

89, March 13

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State of Minnesota

# STATE REGISTER

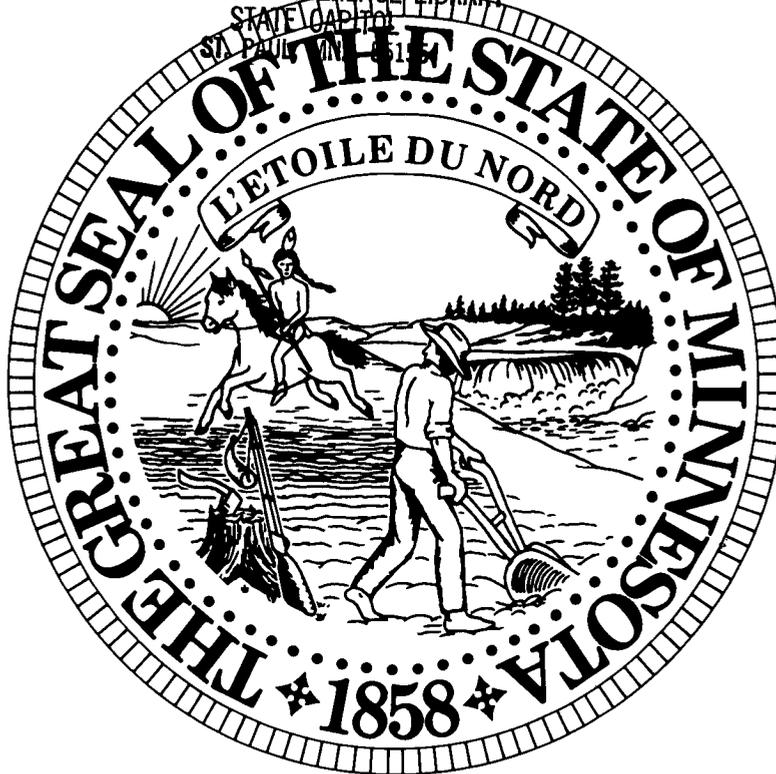
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Published every week

13 March 1989

Volume 13, Number 37

Pages 2187-2250

# STATE REGISTER

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

### Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
37	Monday 27 February	Monday 6 March	Monday 13 March
38	Monday 6 March	Monday 13 March	Monday 20 March
39	Monday 13 March	Monday 20 March	Monday 27 March
40	Monday 20 March	Monday 27 March	Monday 3 April

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as **Proposed Rules**. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.

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## Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Minnesota Housing Finance Agency

### Proposed Permanent Rules Relating to Home Ownership Assistance Fund; Down Payment Assistance Program

#### Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency ("agency") proposed to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Unless twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of *Minnesota Statutes* Sec. 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Kathleen J. Johnson  
Legal Division  
Minnesota Housing Finance Agency  
Suite 300  
400 Sibley Street  
St. Paul, Minnesota 55101  
Telephone: 612/296-9794

Authority for the adoption of these rules is contained in *Minnesota Statutes* Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that *Minnesota Statutes* Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* Sec. 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520 (612) 296-5615.

Dated: 10 March 1989

James J. Solem  
Commissioner

### **Rules as Proposed**

#### **4900.1340 HOME OWNERSHIP ASSISTANCE FUND; DOWN PAYMENT ASSISTANCE.**

The agency may provide interest-free down payment assistance loans to recipients eligible for ~~monthly~~ home ownership assistance who are determined, on the basis of normal credit procedures, to lack the cash or land equity necessary to pay the required down payment, plus closing costs, expenses, and origination fees on the dwelling to be purchased. The amount of the down payment

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## Proposed Rules

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assistance loan shall equal the maximum amount by which the sum of the down payment, closing costs, expenses, and origination fees exceeds five percent of the purchase price of the dwelling allowable under the applicable mortgage insurance program, but it shall not exceed the lesser of 50 percent of the down payment or \$1,500. Down payment assistance may be used to pay a portion of the required down payment, closing costs, expenses, and origination fees on the dwelling to be purchased, as may be determined by the agency.

## Department of Labor and Industry

### Occupational Safety and Health Division

### Proposed Revisions to the Occupational Safety and Health Standards

#### Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revision to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (1988). This revision proposes the adoption by reference of an Occupational Safety and Health Standard that has already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

A complete copy of the federal standard proposed for adoption is available by writing: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307; or by calling (612) 297-3254.

Interested persons are hereby afforded a period of 30 days to submit written data or comments on the described standards. Any interested person may file with the Commissioner written objections to the proposed standard stating the grounds for those objections. Such person may request a public hearing on those objections. Written comments or requests for hearing should be sent to the above address and must include the name and address of the person submitting the comment or request, define the reason for the comment or hearing request, and discuss any proposed changes.

Ken Peterson, Commissioner  
Department of Labor and Industry

#### Standards as Proposed

##### 5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

**Subpart 1. Title 29.** The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the *Code of Federal Regulations* as listed in subparts 2 to 7.

**Subp. 2. Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216, November 7, 1989 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to ~~November 30, 1988~~ February 1, 1989:

Items A through K. [Unchanged]

L. Federal Register, Volume 54:

(1) Federal Register, Vol. 54, No. 12, dated January 19, 1989; "Air Contaminants (1910.1000)—Final Rule."

Subp. 3 to 7. [Unchanged]

**Summary of Standard:** The following summary of the proposed standard is very brief, persons interested in reviewing this standard in its entirety may obtain a copy as noted above.

On January 19, 1989, Federal OSHA amended its existing Air Contaminants standard (29 CFR 1910.1000) including Tables Z-1, Z-2 and Z-3. This amendment makes more protective 212 Permissible Exposure Limits (PELs) listed in these three tables; sets new PELs for 164 substances not currently regulated by OSHA, and maintains other PELs unchanged. All of the revised PELs are included in a single new Table Z-1-A which also includes the existing PELs. (Table Z-1-A is designed to include all substances covered by this regulation whether or not the PEL has been changed and whether or not a separate rulemaking for the substance is involved.) Tables Z-2 and Z-3 are temporarily maintained since they contain limits which cannot conveniently be included in the format used in Table Z-1-A.

OSHA reviewed health risk and feasibility evidence for all 428 substances for which changes in the PEL were considered. In each instance where a revised or new PEL is adopted, OSHA has determined that the new limits substantially reduce a significant risk of material health impairment among workers, and that the new limits are technologically and economically feasible.

The original PELs identified in the Z-tables of 1910.1000 were adopted by Federal OSHA in 1970 based on the 1968 Threshold Limit Values (TLVs) of the American Conference of Government Industrial Hygienists (ACGIH). Industrial experience, new developments in technology, and available scientific data clearly indicate that in many instances those adopted limits are now obsolete and inadequate. Also, many new toxic materials commonly used in the workplace are not covered. These inadequacies are evidenced by the lower allowable exposure limits recommended by many technical, professional, industrial, and government organizations. In addition, these organizations have identified many other substances for which allowable exposure limits are needed to supplement the existing Z-tables.

Therefore, the existing Air Contaminants standard, 1910.1000, including Tables Z-1, Z-2 and Z-3, has been amended to make more protective 212 PELs and set new PELs for 164 substances not previously regulated by OSHA. These changes include the revision of the PELs, the inclusion of Short Term Exposure Limits (STELs) to complement the 8-hour time-weighted average (TWA) limits, the establishment of a designation for "skin" to protect against exposure by skin contact, and the addition of ceiling limits as appropriate. PELs for 52 substances considered in this rulemaking were unchanged. In addition, no changes to existing PELs were made for nine substances currently undergoing separate rulemaking (1, 3-Butadiene, cadmium dust and fume, 2-ethoxyethanol [cellosolve], 2-ethoxyethyl acetate, ethylene dibromide, methyl cellosolve, methyl cellosolve acetate, methylene chloride, and 4, 4'-methylenedianiline). Existing PELs were unchanged for three substances where some industry segments are not covered by the individual regulation (cotton dust, formaldehyde, and benzene). PELs for 160 substances not evaluated during this rulemaking remain unchanged.

Federal OSHA relied heavily on the already published and widely accepted Threshold Limit Values (TLV) published by the American Conference of Governmental Industrial Hygienists (ACGIH) and the Recommended Exposure Limits (RELs) developed by the National Institute for Occupational Safety and Health (NIOSH). OSHA considered both the TLVs and RELs in making its own independent judgment regarding selection of the proper PEL.

This regulation permits the use of any compliance methodology (engineering controls, work practices, and personal protective equipment), until December 31, 1992, to achieve the revised PEL. However, employers must use preferred engineering controls (where feasible) by December 31, 1992. Under special circumstances, this deadline may be extended to December 31, 1993. Employers must continue to use the existing hierarchy of controls (engineering controls preferred) to get down to those limits during the period from now until December 31, 1992, when engineering controls (where feasible) are the preferred method for meeting all limits.

The final rule applies only to general industry; application of the standard to construction, maritime and agriculture will require examination of feasibility for these sectors and will be pursued as a separate rulemaking.

By this notice, Minnesota OSHA proposes to adopt the final standard governing air contaminants, 1910.1000, as published in the *Federal Register* on January 19, 1989. Compliance dates in Minnesota will remain identical to Federal OSHA's compliance dates.

## **Pollution Control Agency**

### **Waste Management Grants and Assistance**

### **Proposed Permanent Rules Relating to Plastic Container Labeling**

#### **Notice of Intent to Adopt Rules Without a Public Hearing**

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rules without a hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The Agency's authority to adopt the rules is set forth in *Minnesota Statutes* § 325E.044, subd. 2 (1988). The Agency is authorized to adopt rules pursuant to this authority under Reorganization Order No. 155 (Dept. of Admin. 1988).

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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All persons have until 4:30 p.m. on Wednesday, April 12, 1989, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

Comments or written requests for public hearing must be submitted to:

Mr. Timothy Nolan  
Minnesota Pollution Control Agency  
1350 Energy Lane  
St. Paul, Minnesota 55108  
(612) 649-5766

The proposed rules may be modified if the modifications are supported by data and views submitted to the Agency and do not result in a substantial change in the proposed rules as noticed.

The proposed rules, if adopted, will govern the labeling of plastic containers with regard to resin content. The labeling is intended to facilitate recycling of plastic containers. The proposed rules will require labeling that is consistent with national industry-wide plastic container coding systems. The proposed rules are published below. One free copy of the rules is available upon request from Mr. Timothy Nolan at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the date and information relied upon to support the proposed rules has been prepared and is available from Mr. Timothy Nolan upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules will not effect small businesses. The effective date of the proposed rules (January 1, 1991) will allow most businesses to come into compliance with the labeling requirements within normal plastic container mold retooling and maintenance schedules. The proposed effective date will also allow unlabeled products to be distributed into the market before the labeling requirement is in effect.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule as adopted, must submit a written request to Mr. Timothy Nolan.

Gerald L. Willet  
Commissioner

### Rules as Proposed (all new material)

#### 9230.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9230.0010 to 9230.0050, the following terms have the meanings given them unless the context requires otherwise.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Code.** "Code" means the number and acronym or word representing a particular resin category that is printed, embossed, molded, or otherwise attached to a plastic container.

Subp. 4. **Distributor.** "Distributor" means a person engaged in a business that ships or transports products to retailers in this state to be sold by those retailers.

Subp. 5. **Labeling.** "Labeling" means attaching information to or embossing or printing information on a plastic container.

Subp. 6. **Manufacturer.** "Manufacturer" means any manufacturer offering for sale and distribution a product packaged in a container.

Subp. 7. **Plastic.** "Plastic" means any material made of the following resins or similar polymeric organic compounds and additives that can be shaped by flow:

- A. high density polyethylene;
- B. low density polyethylene;

- C. polyethylene terephthalate;
- D. polypropylene;
- E. polystyrene; and
- F. polyvinyl chloride.

Subp. 8. **Plastic container.** "Plastic container" means an individual, separate plastic bottle, can, or jar with a capacity of 16 ounces or more.

#### **9230.0020 SCOPE.**

Parts 9230.0010 to 9230.0050 establish labeling requirements for plastic containers with a capacity of 16 ounces or more offered for sale in Minnesota on or after January 1, 1991.

#### **9230.0030 PROHIBITION.**

Subpart 1. **Prohibition.** In accordance with *Minnesota Statutes*, section 325E.044, all plastic containers as defined in part 9230.0010, subpart 7, manufactured or distributed in Minnesota must be labeled with a code listed under part 9230.0040. After January 1, 1991, a manufacturer or distributor who does not comply with this requirement shall be subject to civil penalty.

Subp. 2. **Nonrecyclable containers.** Plastic containers that are restricted from being recycled by state or federal laws and regulations are exempt from the labeling requirements of parts 9230.0010 to 9230.0050. Manufacturers must not label exempt plastic containers.

#### **9230.0040 LABELING.**

Subpart 1. **Labeling required.** The code identifying the resin used in the plastic container as specified in subpart 2 must be molded, printed, embossed, or otherwise attached to plastic containers subject to regulation under parts 9230.0010 to 9230.0050.

Subp. 2. **Identification of resin.** To identify the resin used in a plastic container, the codes in items A to G must be used:

- A. for polyethylene terephthalate, the number "1" and the letters "PETE";
- B. for high density polyethylene, the number "2" and the letters "HDPE";
- C. for polyvinyl chloride, the number "3" and the letter "V";
- D. for low density polyethylene, the number "4" and the letters "LDPE";
- E. for polypropylene, the number "5" and the letters "PP";
- F. for polystyrene, the number "6" and the letters "PS"; and
- G. for a plastic container made up of other resins or multiple resins, the number "7" and the word "OTHER."

Subp. 3. **Purity standard.** To be labeled with a single resin code specified in subpart 2, items A to F, a plastic container must not contain resins different from the resin indicated by the code that exceed two percent by weight of the total mass. In calculating the percentage, affixed materials and additives other than the single plastic resin container structure must be included. Removable caps, lids, and labels shall be excluded. Plastic containers that exceed this two percent purity standard must be labeled with the code specified in subpart 2, item G.

Subp. 4. **Exception to purity standard.** Polyethylene terephthalate soft drink bottles with affixed high density polyethylene base caps are an exception to the purity standard as specified in subpart 3 and must be labeled with the number 1 and the acronym "PETE."

Subp. 5. **Code design.** The code specified in subpart 2 must be designed to facilitate reading at a glance and to withstand container handling. The code must meet the specifications in items A to C.

- A. The numbers and acronyms required under subpart 2 must be at a minimum one-fourth of an inch in height.
- B. Each acronym required under subpart 2 must be positioned directly beneath the code number.
- C. The code must be placed on the bottom of the container.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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If a plastic container is designed so that a code of the size specified in item A cannot be added to it, the manufacturer must use the largest code that can be applied. If a plastic container is designed so that a code cannot be placed on the bottom of the container, the manufacturer must place the code so that it is visible and readable at a glance.

### 9230.0050 CIVIL PENALTY AND NOTICE OF VIOLATION.

If the commissioner of the agency becomes aware of a violation of parts 9230.0010 to 9230.0050, the commissioner of the agency shall notify the violator of the nature of the violation, and request that the violator comply with the rules.

Each violation of parts 9230.0010 to 9230.0050 is subject to a civil penalty of \$50 up to a maximum of \$500, as provided in *Minnesota Statutes*, section 325E.044, subdivision 4.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Used Oil Processing Equipment Loan Program

#### Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The Agency's authority to adopt the rules is set forth in *Minnesota Statutes* § 115A.06, subd. 2, *Minnesota Statutes* § 115A.06, subd. 1, and *Minnesota Statutes* § 14.06 (1988). The Agency is authorized to adopt rules pursuant to the authorities stated above under Reorganization Order No. 155 (Dept. of Admin. 1988).

All persons have until 4:30 p.m. on Wednesday, April 12, 1989, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

Comments or written requests for public hearing must be submitted to:

Mr. Kevin O'Donnell  
Minnesota Pollution Control Agency  
1350 Energy Lane  
St. Paul, Minnesota 55108  
(612) 649-5785.

The proposed rules may be modified if the modifications are supported by data and views submitted to the Agency and do not result in a substantial change in the proposed rules as noticed.

The proposed rules, if adopted, will govern the administration of a program authorizing loans to businesses for the purchase of used oil processing equipment. The proposed rules are published below. One free copy of the rules is available upon request from Mr. Kevin O'Donnell at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the date and information relied upon to support the proposed rules has been prepared and is available from Mr. Kevin O'Donnell upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules will not effect small businesses, because the low-interest loans for the purchase of used oil processing equipment available under this program may be used by small businesses.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule as adopted, must submit a written request to Mr. Kevin O'Donnell.

Gerald L. Willet  
Commissioner

**Rules as Proposed (all new material)****9205.0600 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 9205.0600 to 9205.0608, the following terms have the meanings given them in this part, unless the context requires otherwise.

Subp. 2. **Agency.** "Agency" means the Pollution Control Agency.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the agency, or staff designated by the commissioner.

Subp. 4. **Used oil processing equipment.** "Used oil processing equipment" means machinery or devices that are designed, constructed, and used to separate, modify, convert, heat, prepare, re-refine, or otherwise process used oil so that materials, substances, or energy contained within the used oil may be recovered for subsequent use. Used oil processing equipment includes pollution control equipment needed to meet applicable pollution control standards.

**9205.0601 SCOPE.**

Parts 9205.0600 to 9205.0608 implement the used oil processing equipment loan program created and described in *Minnesota Statutes*, section 115A.9162, by establishing the substantive criteria and procedural conditions under which the agency may award loans for used oil processing equipment.

**9205.0602 ELIGIBILITY CRITERIA.**

Subpart 1. **Eligible applicants.** Individuals, partnerships, corporations, and associations engaged in or intending to become engaged in a business that processes used oil, are eligible for used oil processing equipment loans.

Subp. 2. **Eligible costs.** The cost of used oil processing equipment is eligible for funding under this program. The cost of pollution control equipment is eligible only when that equipment is part of used oil processing equipment funded under this program.

Subp. 3. **Ineligible costs.** The cost of equipment used to install used oil processing equipment, operating cost, preliminary and final design and engineering cost, overhead cost, and the cost of land or buildings is not eligible for funding.

**9205.0603 APPLICATION PROCESS.**

Subpart 1. **Availability of funds.** The agency shall not accept applications until the agency has determined the amount of funds available and the type of used oil processing equipment that will be funded and has published a notice requesting the submission of applications following the procedures in subpart 3.

Subp. 2. **Agency determination.** The agency shall determine the amount of funds to be expended and the type of used oil processing equipment that will be funded by considering the type of used oil processing equipment that will best assist the agency in improving the management of used oil in Minnesota and the amount of available funding. The agency shall develop a description of the type of used oil processing equipment that will be funded, including objectives for performance of that equipment.

Subp. 3. **Notice.** After the agency makes the determination required in subpart 2, the commissioner shall solicit applications by placing a notice in the *State Register* and by sending written notice to eligible applicants known to the commissioner. The notice shall state when applications must be submitted, the type of equipment that will be funded, and shall incorporate the description developed by the agency under subpart 2.

**9205.0604 APPLICATION REQUIREMENTS.**

Subpart 1. **Contents.** Applications for used oil processing equipment loans must include the following information:

- A. the name, address, and telephone number of the applicant and a contact person;
- B. the total loan eligible used oil processing equipment cost;
- C. the amount of the loan requested; and

D. the amount and source of funding that will be used to pay the part of the cost of the used oil processing equipment not covered by the agency loan and all other eligible and ineligible costs not covered by the agency loan.

Subp. 2. **Supporting documentation.** Applications for used oil processing equipment loans must include the documentation in items A to E.

- A. Credit information sufficient to support a finding that the loan will be repaid. If available, credit information from private

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credit rating agencies should be submitted by the applicant and evaluated by the agency. For applicants that do not have a credit rating, personal credit information pertaining to individual owners or shareholders of closely held corporations shall be submitted by the applicant and evaluated by the agency. Personal credit information must include personal tax returns, personal credit reports from credit bureaus or other credit reporting agencies if available, and references from personal bankers.

B. A conceptual and technical feasibility report that includes at least the following:

- (1) a detailed description of the proposed used oil processing equipment;
- (2) location and description of the facility where the used oil processing equipment will be used;
- (3) a description of the method of used oil processing equipment procurement;
- (4) documentation substantiating that the used oil processing equipment to be procured has the capability and operating history to perform as proposed;
- (5) an analysis of the quantity and source of used oil that will be processed and an explanation of what will be done with the used oil once processed; and
- (6) a description of what will be done with the ash, sludge, by-products, or other residue from used oil processing.

C. A financial plan that contains:

- (1) the method of financing costs for used oil processing equipment, and all other costs to be incurred by the applicant in procuring, installing, and operating the equipment;
- (2) estimated annual operating and maintenance costs; and
- (3) projections of total costs and revenues for the applicant's business over the term of the loan.

D. A report on the status of permits required by permitting agencies.

E. An estimate of the time necessary for equipment installation and operation and when these events will take place.

Subp. 3. **Additional information.** The applicant shall supply additional information needed for the agency to approve applications, when requested by the commissioner.

### 9205.0605 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. **Determination of eligibility and completeness.** Upon receipt of an application, the commissioner or a designee shall determine the eligibility of the applicant, the eligibility of the costs identified in the application, the eligibility of the equipment described in the application, and the completeness of the application. Applicants are encouraged to contact the commissioner to arrange for a preapplication review of the proposed equipment.

Subp. 2. **Notice of determination of eligibility and completeness.** The commissioner shall notify the applicant of the commissioner's determinations of eligibility and completeness. If the commissioner determines that the applicant or the equipment is ineligible, the commissioner shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the commissioner determines that any part of the equipment costs is ineligible or that the application is incomplete, the commissioner shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 30 days after receiving the notice to correct any inadequacies identified by the commissioner. If the inadequacies are not corrected within the time allowed, the application is rejected, and the applicant must submit a new application to be considered again.

Subp. 3. **Agency approval.** The agency shall approve applications and award loans for used oil processing equipment. The agency shall award loans to those applicants whose applications best demonstrate that the used oil processing equipment proposed to be purchased meets the description developed by the agency under part 9205.0603, subpart 2.

No application shall be approved for funding unless the agency determines that the applicant has the ability to repay the loan, including all interest.

### 9205.0606 AWARD OF LOANS.

Subpart 1. **Loan limit.** The maximum loan is 50 percent of the eligible cost of the used oil processing equipment or \$500,000, whichever is less.

Subp. 2. **Interest rate.** The interest rate of a loan from the used oil processing equipment loan program shall not be less than an annual percentage rate of three percent. Interest payments on the loan are due annually and begin to accrue from the date the loan is disbursed by the agency. The first payment toward the principal amount of the loan is due one year after the equipment becomes operational or two years after the date the loan agreement is executed by the agency, whichever is earlier. The agency shall consider the equipment operational at the point where the equipment meets all vendor guaranteed operating specifications.

**9205.0607 LOAN AGREEMENT.**

The agency shall disburse loan funds only after a loan agreement containing the terms of this part has been executed by the agency and the recipient of a loan award. A loan agreement must:

- A. incorporate by reference the final application submitted to the agency;
- B. establish the term of the loan, which is determined by considering the expected life of the equipment funded;
- C. establish a schedule for repayment of principal and interest;
- D. provide that any costs incurred in the acquisition of equipment over the amount of the loan are the sole responsibility of the loan recipient;
- E. provide that the agency will not accept any amendments or supplementary applications requesting that additional loan funds be awarded to the loan recipient;
- F. require that the recipient provide periodic reports to the agency on the developmental and operational history of the equipment so that knowledge and experience gained may be made available to others; and
- G. provide for procedures to be followed in the event of a default as provided in part 9205.0608 or for failure to make payments of principal and interest.

**9205.0608 AMENDMENTS.**

If the used oil processing equipment funded by a loan under this part is not installed or operated in accordance with the terms and conditions of the loan agreement, the agency shall determine the reason the equipment was not installed or operated as required. If the agency finds that the recipient could not install or operate the equipment as required due to forces beyond the control of the recipient but that an amendment to the agreement can be negotiated that will allow the purposes of the loan to be fulfilled, the agency shall amend the loan agreement. If an amendment cannot be negotiated that will allow the purposes of the loan to be fulfilled, the agency shall declare default and require the loan funds to be repaid following the procedures established in the loan agreement.

## **Minnesota Board of Peace Officer Standards and Training**

### **Proposed Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits**

#### **Notice of Intent to Adopt a Rule Without a Public Hearing**

NOTICE IS HEREBY GIVEN that the Board of Peace Officer Standards and Training intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is Laws of Minnesota, Chapter 712, *Minnesota Statutes*, section 626.843, subdivision 1, *Minnesota Statutes*, section 626.845, subdivision 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may take a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

William R. Carter, III	
Executive Director	333 Sibley Street, Suite 495
POST Board	St. Paul, MN 55101

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The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from William Carter upon request.

You are advised pursuant to *Minnesota Statutes* 14.115, "Small business consideration in rulemaking," that the proposed rule will not have an impact on small business in Minnesota. Also, pursuant to *Minnesota Statutes* 14.11, "Special Notice in Rulemaking," the adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to William Carter.

William R. Carter, III  
Executive Director

### Rules as Proposed

#### 6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

**Subp. 5a. Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. **Coordinator.** "Coordinator" means an individual at each school who is recognized by the board and designated by the school to coordinate the basic course as taught at that school a person designated by a certified school to manage on a full-time basis the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the academic and skills examinations peace officer licensing examination or the reciprocity examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning assigned to given it in *Minnesota Statutes*, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning assigned to given it in *Minnesota Statutes*, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means any institution certified by the board to offer academic instruction, skills instruction, or both. a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

**Subp. 22. Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

**Subp. 23. Postsecondary certificate.** “Postsecondary certificate” means a nonacademic title awarded by a school that shows completion of a specific course of study.

**Subp. 24. Certified school.** “Certified school” means a school that has been given certification.

**Subp. 25. Classroom discrimination.** Effective July 1, 1989, “classroom discrimination” means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

#### **6700.0300 BASIC COURSE PROFESSIONAL PEACE OFFICER EDUCATION.**

Subpart 1. **Subject areas and skills instruction.** The basic course professional peace officer education must minimally shall include the following subject areas:

A. The academic education component includes instruction in administration of justice, Minnesota Statutes, criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid; and.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area enumerated in subpart 1 shall may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements set forth in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 shall preclude precludes any certified school from enacting rules which establish standards of training above the minimum requirements set forth in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the basic course professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of complete participation in all basic course activities the clinical skills component of the professional peace officer education program. Any student unable to physically or psychologically participate in all aspects of the basic course clinical skills component shall not be deemed as satisfactorily completing the basic course clinical skills component.

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in subpart 1, item B, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart 1, item B.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the school professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. “Minority student” means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

C. When a coordinator leaves a certified school, the chief executive officer of the certified school must notify the board no later than 20 days after the coordinator has left the position, and provide the board with the name of the new coordinator. The signature facsimile of the new coordinator must accompany this notification. Any person appointed as a coordinator after January 1, 1990, must have a bachelor's degree in law enforcement, criminal justice, education, social or behavioral science, or related field and at least three years of experience with a criminal justice agency.

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Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess ~~an associate degree or greater from an accredited institution of higher learning~~ a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This ~~rule part~~ shall not preclude the use of guest lecturers.

### 6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. ~~No~~ The board will not consider certification will be issued unless the school files has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors. ~~Further, the coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a person of Black, Hispanic, Asian, American Indian, or native Alaskan heritage. Relevant information may include lesson plans and course outlines.~~

Subp. 2. **Provisional certification.** Upon receipt of a properly filed application, ~~the board shall grant provisional certification to a school until such time as an on-site evaluation and inspection has been completed.~~ review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

A. Not later than one year from the granting of provisional certification, the board shall grant or deny certification. Certification shall remain contingent upon periodic review by the board or by the executive director in addition to the requirements for a renewal application every five years as provided by item C.

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days from the effective date of this part to seek approval from the board.

C. By May 1, 1990, and every five years after that, the board must send a renewal application form to all certified schools. This application form must request information regarding the criteria contained in subpart 1. The coordinator must file the completed application with the board by November 1 of the year the application form was received. Upon review of the properly filed application form, the board shall renew the school's certification for another five years, if the board finds that the requirements of subpart 1 have been met. If a certified school does not comply with the requirements of this subpart, the school's certification will be deemed to have expired and the school will be required to reapply for certification under the procedures in subparts 1 and 2.

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;  
and

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with the board; or obstructing a board investigation-; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements set forth in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

Subp. 6. **Disciplinary proceedings.** Disciplinary proceedings under this ~~rule part~~ shall be conducted pursuant to the Administrative Procedure Act, *Minnesota Statutes*, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8400.

### 6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. Procedures. Every certified school must establish written procedures for the investigation and resolution of allegations

of classroom discrimination. These procedures must minimally specify:

- A. the person to whom the formal complaint must be made;
- B. the process by which complaints will be investigated;
- C. the sanctions that may be imposed if a complaint is sustained;
- D. the appeal process for the offending party;
- E. the process that will be used to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of procedures.

**Subp. 2. Summary.** The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

**Subp. 3. Complaints.** Complaints which allege classroom discrimination at a certified school must be processed according to the written procedures adopted by the certified school required in subpart 1.

#### **6700.0500 ACADEMIC AND SKILLS PEACE OFFICER LICENSING EXAMINATIONS EXAMINATION.**

Subpart 1. and 2. [See Repealer.]

**Subp. 3. Eligibility for academic and skills examination.** Students who successfully complete a school professional peace officer education which meets the minimum requirements set forth in part 6700.0300, subpart 1, items A and B are eligible to take both the academic and skills examinations peace officer licensing examination.

**Subp. 5. Reinstatement of eligibility.** Upon successful completion of the required academic and skills peace officer licensing examinations examination, a person is eligible for licensure as a peace officer to be licensed for three years. If the person is not licensed after three years, the person may reinstate his eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

#### **6700.0501 RECIPROCITY LICENSING EXAMINATION.**

Subpart 1. to 4. [Unchanged.]

**Subp. 5. Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of the Council on Postsecondary Accreditation one of the six regional accrediting associations and authorized to award such titles degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

**Subp. 9. License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine which examination is appropriate based on the substantive changes in law and police practice again demonstrating qualifications for the examination pursuant to subpart 7 and must again comply with the provisions of part 6700.0600.

Subp. 10. [Unchanged.]

#### **6700.0600 LICENSING EXAMINATIONS.**

**Subpart 1. Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the

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board ~~prior to~~ before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee as set forth in under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board ~~prior to~~ before taking the following licensing examinations:

- A. ~~academic peace officer licensing~~ examination, ~~\$12.50~~ \$40;
- B. ~~skills examination~~, \$12.50;
- C. ~~reciprocity examination~~, ~~\$25~~ \$40;
- D. ~~C.~~ peace officer license endorsement examination, \$12.50; and
- E. ~~D.~~ part-time peace officer licensing examination, \$12.50;
- F. ~~constable licensing examination~~, \$25.

Subp. 3. and 4. [Unchanged.]

Subp. 5. Reinstatement eligibility. The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to reinstate eligibility, the person shall comply with subparts 1 and 2.

### 6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards ~~prior to~~ before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1, ~~items A to J~~. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, ~~subparts subpart 1 and 2, or subpart 3~~. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards ~~prior to~~ before appointment.

Subp. 4. [Unchanged.]

### 6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this ~~rule part~~, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. ~~Prior to~~ Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days ~~prior to the~~ before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at least ten days ~~prior to the~~ before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this ~~rule part~~ shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3, ~~items A to F~~.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. Procedures. Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

- A. the person to whom the formal complaint must be made;
- B. the process by which complaints will be investigated;
- C. the sanctions which may be imposed if a complaint is sustained;
- D. the appeal process for the offending party;
- E. the process which will be used to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. Copy of procedures. The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. Disciplinary action. The board may take disciplinary action against a course sponsor:

- A. who violates the provisions of part 6700.0900;
- B. who files with the board a false application form or course roster;
- C. who provides instruction which is not consistent with the application form;
- D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and
- E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. Sanctions. Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. Procedure requirements. Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

#### **6700.0902 ACCREDITATION.**

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers ~~or constables~~ who complete each course, each peace officer ~~or constable~~ license number, and the number of continuing education hours which are to be credited to each peace officer ~~or constable~~. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers ~~or constables~~ who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C<sub>1</sub> for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the ~~commencement~~ beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers ~~and constables~~ who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

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Subp. 10. and 11. [Unchanged.]

Subp. 12. Procedures. A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

- A. the person to whom the complaint must be made;
- B. the process by which complaints will be investigated;
- C. the sanctions which may be imposed if a complaint is sustained;
- D. the appeal process for the offending party;
- E. the process which will be used to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. Copy of procedures. The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. Complaints. Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

### 6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

- A. the ~~academic and skills~~ peace officer licensing examination for a peace officer; or
- B. the part-time peace officer licensing examination for a part-time peace officer; ~~or~~
- C. the ~~constable~~ licensing examination for a constable.

Subp. 10. and 11. [Unchanged.]

### Rules as Proposed (all new material)

#### 6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

#### 6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of *Minnesota Statutes*, section 609.487. These written procedures must consider the following issues:

- A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of *Minnesota Statutes*, section 609.487;
- B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of *Minnesota Statutes*, section 609.487;
- C. assignments of the agency's other assisting law enforcement vehicles;
- D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in *Minnesota Statutes*, chapter 169;
- E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;
- F. circumstances under which a pursuit is to be terminated;
- G. radio communications procedures during a pursuit;
- H. role and responsibilities of the agency's on-duty supervisors during a pursuit;
- I. application of deadly force as defined by *Minnesota Statutes*, section 609.066, during the course of a pursuit;

- J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and
- K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

#### **6700.2702 TRAINING REQUIREMENTS.**

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

- A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of *Minnesota Statutes*, section 609.487;
- B. type of agency and geographical location;
- C. training needs of the peace officers within the agency;
- D. overall training needs of the agency; and
- E. an analysis of the evaluations of previous pursuits.

#### **6700.2703 COPIES OF PROCEDURES.**

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

#### **6700.2704 AFFIRMATION OF COMPLIANCE.**

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. *Minnesota Rules*, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. *Minnesota Rules*, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

## **Minnesota Racing Commission**

### **Proposed Permanent Rules Relating to Horse Racing in Minnesota**

#### **Notice of Proposed Adoption of a Rule Without a Public Hearing**

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 240.23 and 240.24 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# Proposed Rules

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number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Donald Price  
Minnesota Racing Commission  
11000 West 78th Street, Suite 201  
Eden Prairie, MN 55344  
Telephone: (612) 341-7555

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Minnesota Racing Commission upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, fix or adjust any fees, or have an impact on agricultural land. The affect, if any, that the proposed rule may have on small businesses is discussed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Minnesota Racing Commission at the address listed above.

Dated: 15 February 1989

Donald Price  
Executive Director  
Minnesota Racing Commission

## Rules as Proposed

### 7869.0100 DEFINITIONS.

Subpart 1. to 50. [Unchanged.]

Subp. 51. **Race.** "Race" means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of racing officials of the association and the commission. The following are categories of races:

A. to L. [Unchanged.]

M. "Stakes race" or "sweepstakes race" means a race to which nominators of the engaged entries contribute to a purse, and to which money or any other award may be added. ~~No overnight race, regardless of its conditions, may be deemed a stakes race.~~

N. [Unchanged.]

Subp. 52. to 69. [Unchanged.]

### 7873.0300 SIMULCAST WAGERING.

Subpart 1. [Unchanged.]

Subp. 2. **Approval.** All ~~approved~~ simulcast races must be conducted at the licensed racetrack ~~on a racing day assigned to an association and approved~~ by the commission. ~~Racing must be conducted on that racing day as defined by Minnesota Statutes, section 240.01, subdivision 10.~~

Subp. 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. [Unchanged.]

### 7873.0550 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Purse amounts must be set pursuant to *Minnesota Statutes*, section 240.13, subdivision 5; ~~an amount equal to not less than five percent of all money in all pools must be allocated for purses by an association conducting horse racing.~~

In making the distribution of purse money, an association must, to the extent possible, maintain purse amounts in proper relationship to actual pari-mutuel handles.

Subp. 2. to 6. [Unchanged.]

#### **7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.**

Subpart 1. [Unchanged.]

Subp. 2. **Application content.** An application for a Class C license shall include the following information with respect to the applicant:

- A. date of birth;
- B. social security number;
- C. home address;
- D. home telephone number;
- E. names and addresses of previous employers;

F. a signed statement authorizing the release of information to the commission and the Minnesota Bureau of Criminal Apprehension; and

G. if the applicant is 18 years of age or above, a completed FBI fingerprint card.

Subp. 3. and 4. [Unchanged.]

#### **7877.0120 FEES.**

Subpart 1. [Unchanged.]

Subp. 2. **Fingerprint charge.** In addition to the license fee in subpart 1, each initial application for a Class C license, and each renewal application every third year thereafter, shall be accompanied by a completed FBI fingerprint card taken by the commission and a cashier's check or money order in the amount of \$14 payable to "Federal Bureau of Investigation." Any horse owner who does not make application in person must meet all requirements of this subpart, except that the owner may file a completed fingerprint card taken by a law enforcement agency. This subpart does not apply to applications submitted by persons under the age of 18.

Subp. 3. and 4. [Unchanged.]

#### **7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.**

Subpart 1. **Duration.** A Class C license shall expire at midnight on December 31 of the ~~third~~ calendar year after its issuance.

Subp. 2. **Extent.** A Class C license issued at one race meeting during the calendar year shall be eligible for validation at any other race meeting regulated by the commission that year provided that:

A. [Unchanged.]

B. the licensee furnishes proof of employment or other evidence that he or she is practicing the occupation for which he or she is licensed at the race meeting other than the meeting for which the license was issued.

Subp. 3. [Unchanged.]

Subp. 4. **Validation Renewal.** ~~In the two calendar years after the year of issuance, each Class C license must be validated before the licensee engages in the activity for which the license was issued. The licensee must submit to the commission the current fee required by part 7877.0120 and a certificate on a form provided by the commission that he or she remains eligible to be licensed. The commission must validate~~ may renew a license after receipt of required submissions unless the licensee is determined to be ineligible. The commission may require fingerprints, a photograph, or other relevant data if it has reason to doubt the identity or eligibility of the licensee.

#### **7883.0100 ENTRIES AND SUBSCRIPTIONS.**

Subpart 1. to 15a. [Unchanged.]

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Subp. 16. **Workout requirements.** In order to be eligible:

A. and B. [Unchanged.]

C. First-time starters must have ~~three gate approvals~~ approval and a minimum of two timed workouts prior to the entry date.

Subp. 17. [Unchanged.]

Subp. 18. **Protest.** Any time before the running of a race, an owner, trainer, or authorized agent may object to the eligibility of a horse participating in the race by filing a written protest with the stewards.

### 7883.0120 DECLARATIONS AND SCRATCHES.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Horse declared nonstarter.** The stewards shall have the authority to declare that a horse is not a starter if they determine that the horse was ineligible to participate in the race or any occurrence before the running of a race calls for such action by them.

Subp. 7. [Unchanged.]

### 7890.0140 BLEEDERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Lasix<sup>®</sup> may be administered to certified bleeders.** Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of Lasix<sup>®</sup>. Once a horse has raced with Lasix<sup>®</sup>, it must continue to race with Lasix<sup>®</sup> in all subsequent races unless a request is made to discontinue the use. If the use of Lasix<sup>®</sup> is discontinued, the horse shall be prohibited from again racing with Lasix<sup>®</sup> unless it is later observed to be bleeding pursuant to subpart 4 or meets the requirements of subpart 3. Requests for the use of or discontinuance of Lasix<sup>®</sup> must be made to the commission veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made. Lasix<sup>®</sup> shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The Lasix<sup>®</sup> must be administered at least four hours before scheduled post time for any horse entered to race and the dose level of Lasix<sup>®</sup> must not exceed 250 milligrams (five milliliters of a 50 milligram/milliliter or five percent solution) per administration. Lasix<sup>®</sup> must be administered as follows:

A. The practicing veterinarian must deposit with the commission veterinarian at the Lasix<sup>®</sup> detention barn an unopened supply of Lasix<sup>®</sup> and sterile hypodermic needles and syringes to be used for the administration. The horse must be brought to the Lasix<sup>®</sup> detention barn for treatment not less than four hours before scheduled post time for the race in which it is entered to start. The Lasix<sup>®</sup> must be administered under the supervision of a person employed by the commission. Once at the Lasix<sup>®</sup> detention barn, a horse shall remain there until it is taken to the paddock to be saddled or harnessed for a race.

B. The requirements of item A shall not apply if:

(1) the commission approves a scientifically recognized test to determine the quantitative level of Lasix<sup>®</sup> in a plasma sample of the treated horse;

(2) the commission establishes the permitted quantitative level determined by scientific research and accepted as the recognized standard by the industry; and

(3) the trainer delivers to the commission veterinarian no later than one hour before post time of the race for which the horse is entered the following information, on a form provided by the commission:

(a) the racetrack name, date, and time of day Lasix<sup>®</sup> was administered to the entered horse;

(b) the dosage amount of Lasix<sup>®</sup> administered to the entered horse; and

(c) the printed name and signature of the veterinarian who administered the Lasix<sup>®</sup>.

Subp. 7. to 9. [See Repealer.]

Subp. 10. [Unchanged.]

### 7892.0120 TAKING OF SAMPLES.

Subpart 1. **Horses tested.**

A. Blood and/or urine test samples shall be taken from the winning horse in every race, and horses finishing second in races with quinella or exacta wagering.

B. Blood and/or urine test samples may be taken from randomly selected horses selected at random during each racing program, and from horses designated by the stewards or the commission veterinarian at any time upon suspicion that a violation of chapter 7890 has occurred, or for testing the quantitative level of furosemide in the plasma of treated horses.

C. The stewards or commission veterinarian may require that specimens of saliva or other body fluid or excretion may be taken from a tested horse as deemed necessary by the stewards or the commission veterinarian to determine whether a violation of chapter 7890 has occurred.

D. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. to 6. [Unchanged.]

#### **7895.0110 THOROUGHBRED BREEDERS' FUND.**

Subpart 1. [Unchanged.]

Subp. 2. **Division of money.** The money available from the breeders' fund for the thoroughbred breed category shall be divided as follows:

A. [Unchanged.]

B. Sixty-two percent shall be paid to supplement purses ~~in races which are restricted to Minnesota-bred or Minnesota-foaled horses~~. The purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission.

C. [Unchanged.]

Subp. 3. to 8. [Unchanged.]

#### **7895.0350 QUARTER HORSE REGISTRATION.**

Subpart 1. **Broodmare registration.** To be eligible to receive any breeders' award payments, the following requirements must be met:

A. Prior to foaling, a broodmare must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency on or before January 31 of the year in which the broodmare will foal. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency.

B. and C. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

#### **7897.0100 PROHIBITED ACTS.**

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Financial responsibility.** No licensee shall willfully or deliberately refuse to pay any money when due for any service, supplies, or fees connected with his or her activities as a licensee, nor shall he or she falsely deny any such amount due or the validity of the claim therefor with the purpose of hindering or defrauding the person to whom the indebtedness is due. All financial responsibility complaints against a licensee shall be made in writing, signed by the complainant, and accompanied by (a) a judgment from a court of competent jurisdiction; or (b) a check, issued by the licensee or by a business entity owned or controlled by the licensee, which indicates on its face that the bank upon which the check is drawn has refused payment due to insufficient funds, alteration, forgery, or because the check was written on a closed or nonexistent account; or (c) written documentation that a licensee is in arrears in an amount in excess of \$2,000 but not to exceed \$5,000 for goods or services for a period of time not to exceed 45 days from the date the goods or services were first provided.

Subp. 11. to 18. [Unchanged.]

#### **7899.0100 VARIANCES.**

Subpart 1. [Unchanged.]

Subp. 2. **Requests for a variance.** A person desirous of obtaining a variance from the application of one or more of the commission's rules shall initiate the variance process by submitting in writing to the commission ~~12 copies~~ of the following information and documents:

A. to C. [Unchanged.]

Subp. 3. **Disposition of variance requests.** The commission shall grant or deny a variance pursuant to the following procedures and standards:

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## Proposed Rules

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A. Upon receipt of a variance request, the commission shall send written notice ~~thereof of the time, date, and place of the variance hearing~~ to all persons who have registered their names with the commission for ~~the that purpose of being notified of rulemaking proceedings or variance requests, and~~. The commission shall not act upon the variance request for 30 calendar days after it has issued the notice. ~~The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the commission will not act on the variance request until interested persons have been afforded at least 30 calendar days after the commission's issuance of the notice to submit their comments.~~

B. to E. [Unchanged.]

Subp. 4. [Unchanged.]

**REPEALER.** Minnesota Rules, parts 7873.0300, subpart 4; and 7890.0140, subparts 7, 8, and 9 are repealed.

## Department of Trade and Economic Development

### Proposed Permanent Rules Relating to Independent Wastewater Treatment Grants Program

#### Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Trade and Economic Development proposes to amend the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 446.06, subdivision 2.

All persons have 30 days to submit comments in support of or in opposition to the proposed amendments to the rules. Comment is encouraged. Each comment should identify the portion of the proposed amendments to the rules addressed, the reason for the comment and any change proposed. The proposed amendments to the rules may be modified if the modifications are supported by the data and views submitted to the Authority and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments to the rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to the *Minnesota Statutes*, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Martin English  
Public Facilities Authority  
900 American Center Building  
150 Kellogg Boulevard  
St. Paul, MN 55101

A Statement of Need and Reasonableness that describes the need for and reasonableness of the amendments to the rules and identifies the data and information relied upon to support the proposed amendments to the rules has been prepared and is available upon request from Martin English.

If no hearing is required, upon adoption of the amendments to the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any persons may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Martin English.

David J. Speer  
Commissioner of Trade and Economic Development

#### Rules as Proposed

##### 7380.0500 SCOPE OF RULES.

Parts 7380.0500 to 7380.0582 provide for the awarding of grants by the Minnesota Public Facilities Authority under *Minnesota*

*Statutes*, chapter 446A, to municipalities for wastewater treatment projects certified by the commissioner of the Minnesota Pollution Control Agency, as provided in *Minnesota Statutes*, sections 116.16 to 116.181, and chapter 7075.

The ~~executive director of the authority~~ division shall assist municipalities in determining which grants or loans to apply for to finance eligible projects and the manner in which the municipality shall pay for its portion of the project cost.

Municipalities making complete application ~~to the authority~~ must comply with the requirements of the Pollution Control Agency independent grant program rules in chapter 7075 in order to receive the required certification of the commissioner of the agency before any determination by the authority on the municipality's application.

The authority shall, as provided in *Minnesota Statutes*, section 446A.051, review the proposed project financing for a municipal project certified by the commissioner of the agency to determine if the municipality has demonstrated in its complete application that:

- A. the total financing of the project is assured; and
- B. the municipality's financial plan to pay for its portion of the project is feasible.

#### **7380.0530 ELIGIBLE COSTS.**

Eligible costs ~~for grant applications~~ are the eligible costs provided in the agency independent grant program rules and certified by the commissioner of the agency.

#### **7380.0560 CORRECTIVE ACTION GRANTS.**

The authority shall award corrective action grants to municipalities for projects certified by the commissioner of the agency, provided that they have satisfied the authority's application requirements.

#### **7380.0570 APPLICATION PROCESS.**

Subpart 1. **In general.** To apply for state independent grants or the other grants programs as provided under parts 7380.0520, 7380.0530, 7380.0540, 7380.0550, and 7380.0560, applications by municipalities shall be made to the ~~authority~~ division on forms provided by the ~~agency~~ division which require information prescribed by the agency rules.

Subp. 2. [See Repealer.]

Subp. 3. **Application processing.** The authority shall forward ~~an~~ a complete application to the agency within ten days of receipt of an application by the authority. The agency will accept and review applications as provided in the program rules in chapter 7075.

Subp. 4. **Certified applications.** When ~~an~~ a complete application certified by the commissioner of the agency is returned to the authority on or before the first business day of the month, the authority shall consider the complete application at the authority meeting that month. If a certified application is received after the first business day of the month and can be reviewed by the executive director before the authority agenda deadline, the authority may consider the application at the meeting in that month.

Subp. 5. [See Repealer.]

Subp. 6. **Incomplete applications.** ~~If the executive director determines, relative to the authority's requirements, that an incomplete application is incomplete received, the executive director shall notify the applicant of the specific deficiencies in the application. The applicant has 30 days from the date of mailing of the executive director's notification to complete the application. If the application is not completed and received by the executive director within 30 days from the date of mailing, the application is considered rejected and the applicant, subject to agency rules, shall reapply to be further considered shall be notified in writing.~~

Subp. 7. **Applications not receiving certification.** An application not certified by the commissioner of the agency will not be considered for financial assistance by the authority. The ~~executive director of the authority~~ shall notify the applicant of the rejection of the ~~application funding request~~ by the authority within ten days of the rejection of the application funding request by the authority.

Subp. 8. **Rejection of applications by the authority.** ~~An application~~ A request for financial assistance may be rejected by the authority for the following reasons:

A. failure to develop and document that other project-required funding commitments have been secured, as provided in *Minnesota Statutes*, section 446A.051; and

B. ~~failure to submit a completed application using the procedure provided in subpart 6; and~~

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## Proposed Rules

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☞ failure to demonstrate that the municipality's financial plan to pay for its portion of the project is feasible, as provided in *Minnesota Statutes*, section 446A.051.

### 7380.0580 AWARD OF GRANTS AND LOANS.

Subpart 1. **In general.** Upon certification of ~~an~~ a complete application by the agency and the review and approval of the complete application by the authority, the authority shall make the award and notify the municipality that it is to receive a grant or loan and prepare and advise the municipality of the grant or loan forms or other documents that must be executed to complete the grant or loan.

Subp. 2. **Amendments to grant award.** A municipality that seeks an amendment to a previously awarded grant or loan shall follow the procedure in part 7380.0570 for applying to the authority.

### 7380.0581 RELEASE OF FUNDS.

Subject to the availability of funds, payments to a municipality, which have been certified by the commissioner of the agency, will be made in accordance with applicable federal and state laws governing those payments. However, payments will not be made until the authority has determined the total estimated cost of the project and ascertained that financing of the project is assured by:

A. a grant to the municipality by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state;

B. a grant of funds appropriated by state law;

C. a loan authorized by state law;

D. the appropriation of proceeds of bonds or other funds of the municipality to a fund for the construction of the project; or

E. any or all of the means referred to in items A to D; and

F. an irrevocable undertaking, by resolution of the governing body of the municipality, to use all funds made available exclusively for the construction of the project, and to pay any additional amount by which the cost of the project exceeds the estimate, by the appropriation to the construction fund of additional municipal funds or the proceeds of additional bonds to be issued by the municipality; and

G. conformity of the project ~~and of the grant or loan application~~ with the state water pollution control plan as certified to the federal government and with all other conditions under applicable state and federal law for a grant of state or federal funds of the nature and in the amount involved.

### 7380.0582 REPORTS.

During the term of the grant or loan agreement, the municipality shall make written reports to the ~~executive director of the~~ authority on forms provided by the authority on a predetermined schedule determined by the executive director.

**REPEALER.** Minnesota Rules, part 7380.0570, subparts 2 and 5, are repealed.

## Department of Trade and Economic Development

### Proposed Permanent Rules Relating to the Water Pollution Control Revolving Fund

#### Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Trade and Economic Development proposes to amend the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 446.05, subdivision 1.

All persons have 30 days to submit comments in support of or in opposition to the proposed amendments to the rules. Comment is encouraged. Each comment should identify the portion of the proposed amendments to the rules addressed, the reason for the comment and any change proposed. The proposed amendments to the rules may be modified if the modifications are supported by the data and views submitted to the Authority and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments to the rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to the *Minnesota Statutes*, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Martin English  
Public Facilities Authority  
900 American Center Building  
150 Kellogg Boulevard  
St. Paul, MN 55101

A Statement of Need and Reasonableness that describes the need for and reasonableness of the amendments to the rules and identifies the data and information relied upon to support the proposed amendments to the rules has been prepared and is available upon request from Martin English.

If no hearing is required, upon adoption of the amendments to the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any persons may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Martin English.

David J. Speer  
Commissioner of Trade and Economic Development

## **Rules as Proposed**

### **7380.0410 DEFINITIONS.**

Subpart 1. to 4. [Unchanged.]

Subp. 4a. Application. "Application" means the Community Development application which is the official consolidated application form as developed by the Department of Trade and Economic Development and used to apply for funding assistance from various community assistance programs administered by the Community Development Division.

Subp. 4b. Authority. "Authority" means the Minnesota Public Facilities Authority.

Subp. 5. [Unchanged.]

Subp. 5a. Complete application. "Complete application" means an application which provides all of the exhibits and documents required by the consolidated application form provided to the applicant by the Community Development Division.

Subp. 6. and 7. [Unchanged.]

Subp. 7a. Division. "Division" means the Community Development Division of the Department of Trade and Economic Development, which, as provided by Minnesota Statutes, section 116J.980, is responsible for administering all state community development and assistance programs including the Minnesota Public Facilities Authority.

Subp. 8. to 19. [Unchanged.]

### **FINANCIAL ASSISTANCE APPLICATIONS**

#### **7380.0420 PROCEDURES FOR FINANCIAL ASSISTANCE APPLICATIONS PROCESSING.**

Subpart 1. **In general.** To apply for financial assistance from the authority, eligible applicants identified in the annual intended use plan prepared by the agency may submit an application at any time to the ~~executive director of the authority~~ division.

~~Prior to the submission of an application to the authority, the municipality shall contact the authority to receive the authority's advice under Minnesota Statutes, section 446A.051.~~

The authority shall forward the complete application to the agency within ten day after receipt of the application by the authority. The agency will accept and review the application as provided in its rules.

Subp. 2. **Authority review.** When ~~an~~ a complete application that has been certified by the commissioner of the agency is returned to and received by the authority on or before the first business day of the month, the authority shall consider the application at the authority meeting that month. If the certified application is received after the first business day of the month and can be reviewed by the executive director prior to the authority agenda deadline, the authority may consider the application at the meeting in that month.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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Subp. 3. [See Repealer.]

Subp. 4. **Incomplete application.** If an incomplete application is received, the ~~executive director shall notify the applicant shall be notified~~ in writing of specific deficiencies in the application. The applicant has 60 days from the date of mailing of the executive director's notification to complete the application. If the application is not completed and received by the executive director within those 60 days, the application is deemed to be rejected and the applicant, subject to agency rules, must reapply to be further considered.

Subp. 5. **Applications not receiving certification.** ~~An~~ A complete application not receiving certification by the commissioner of the agency will not receive consideration for financial assistance by the authority. The ~~executive director of the authority shall~~ notify the applicant of the rejection of the ~~application by the authority~~ funding request within ten days of the rejection determination.

Subp. 6. **Rejection of loan applications by the authority.** The authority may reject ~~an application for financial assistance a funding request~~ for the following reasons:

- A. failure to obtain certification from the commissioner of the agency for the project; and
- B. failure to develop and document dedicated sources of revenue sufficient in the judgment of the authority to ensure repayment of the loan to the authority; and
- ~~C. failure to submit a completed application using the procedure provided in part 7380.0420, subpart 4.~~

### 7380.0430 AUTHORITY EVALUATION PROCEDURE.

Subpart 1. **In general.** The authority shall evaluate complete applications certified by the commissioner of the agency to determine the applicant's capacity to comply with the terms and conditions of the Act and the rules of the authority as provided in this part.

The applicant's project must ~~have been~~ be identified in the agency's intended use plan ~~for the year in which the applicant is applying to receive funding approval.~~

The authority will only provide financial aid for the allowable costs provided in part 7380.0410, subpart 7.

Subp. 2. and 3. [Unchanged.]

Subp. 4. **Dedicated sources of revenue.** Loan recipients shall establish, and identify in the ~~application~~ funding request, dedicated sources of revenue sufficient to operate and maintain the new facility, and fully amortize the loan for a term of not more than 20 years. The authority shall examine the identified dedicated sources of revenue to ensure that they are a sufficient amount and of sufficient certainty to fully repay the loan.

Subp. 5. [Unchanged.]

### 7380.0440 INTEREST RATE DETERMINATIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Demographic considerations.**

A. ~~A loan application~~ Applicants will be considered for an interest rate reduction based upon the population of the project service area, and be eligible for a reduction as follows:

(1) to (6) [Unchanged.]

B. to D. [Unchanged.]

Subp. 5. [Unchanged.]

Subp. 6. **Interest-free loans.** The authority may offer interest-free loans as provided in this part to municipalities demonstrating ~~in their application~~ that they are financially unable to pay any interest charge on the loan. The authority shall not offer interest-free loans if the offering of an interest-free loan results in the combined rate of interest on the authority's portfolio to yield less than the rate of inflation as determined by the consumer price index.

Interest-free loans for any applicant are limited to \$500,000, or the eligible cost of the project, whichever is less. The authority shall not provide interest-free loans, in total, exceeding up to ten percent of the total capitalization grant funds scheduled to be received by the authority.

To be eligible for consideration for an interest-free loan, an applicant must meet each of the following conditions:

- A. the population of the project service area has declined over the past ten years;
- B. the percent of poverty level households in the project service area of the project is at or above the national average; and
- C. the estimated annual sewer service charge of the project service area after the completion of the project exceeds one and one-half percent of the median household income level of the project service area.

**7380.0460 FEES.**

If the authority charges a loan recipient a loan origination fee, the fee must be based on a schedule established by the authority and must not exceed one and one-half percent of funds borrowed from the authority. The fees, if any, will be charged to all loan recipients and must be as provided in the ~~loan~~ division application form. These fees may be included as an eligible project activity or category in the municipality's application to the authority, and are due and payable as provided in the loan agreement.

**7380.0480 REPORTS AND AUDITS.**

Subpart 1. **Reports.** During the term of the loan, the municipality shall make written reports to the ~~executive director~~ authority on forms provided by the authority and on a predetermined schedule determined by the executive director.

Subp. 2. [Unchanged.]

**REPEALER.** Minnesota Rules, part 7380.0420, subpart 3, is repealed.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

## Department of Labor and Industry

### Occupational Safety and Health Division

#### Adopted Permanent Rules Relating to Employee Right-to-Know

As authorized under *Minnesota Statutes* § 182.655 (1988) notice was published in the *State Register*, Volume 13, Number 26, dated December 26, 1988 (13 S.R. 1482) specifying the adoption of amendments to the Minnesota Employee Right-to-Know Standards.

No objections or written requests for public hearing have been received. Therefore, the amendments to the Minnesota Employee Right-to-Know Standard, *Minnesota Rules* Chapter 5206, are adopted as proposed.

Ken Peterson, Commissioner  
Department of Labor and Industry

## Bureau of Mediation Services

### Adopted Permanent Rules Relating to Minnesota Area Labor-Management Committee Grant Program

The rules proposed and published at *State Register*, Volume 13, Number 11, pages 560-565, September 12, 1988 (13 S.R. 560) are adopted with the following modifications:

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Adopted Rules

### 5520.0400 TECHNICAL ASSISTANCE DELIVERY AREA.

Subp. 2. **Work plan.** In consultation with the Office of Cooperative Labor-Management Programs, each grant recipient shall prepare and submit a plan for using the TADA portion of its grant to foster the growth and development of an Area Labor-Management Committee within the area or sector designated by the commissioner in subpart 1. The plans are subject to the approval of the commissioner and ~~may shall not~~ be amended ~~with without~~ advance written consent of the commissioner. ~~Failure to submit or adhere to a TADA work plan may be grounds for termination of a grant.~~

### 5520.0560 QUARTERLY REPORTS.

Each grant recipient must file detailed financial and activity reports on a quarterly basis in accordance with the following schedule:

- A. Period covered: January 1 to March 31, date due: April 20;
- B. Period covered: April 1 to June 30, date due: July 20;
- C. Period covered: July 1 to September 30, date due: October 20; and
- D. Period covered: October 1 to December 31, date due: January 20.

~~A failure to file timely reports will cause a suspension of the grant and may cause reductions in the amount of or termination of the grant.~~

### 5520.0800 TERMINATION OF GRANTS.

Subpart 1. **General.** Grants ~~may shall~~ be suspended, terminated, or withdrawn, in whole or in part, by the commissioner if funds provided are used in a manner inconsistent with the policies of parts 5520.0100 to 5520.0800, or if it appears that funds are being used in a manner inconsistent with the stated goals and purpose of the grant application or approved amendments. Grants ~~may shall~~ also be suspended, terminated, or withdrawn if it appears that the applicant is unable or unwilling to fulfill responsibilities set forth in the application.

## Waste Management Board Pollution Control Agency

### Adopted Permanent Rules Relating to Grants for Waste Tire Collection Sites

The rules proposed and published at *State Register*, Volume 13, Number 11, pages 565-567, September 12, 1988 (13 S.R. 565) are adopted with the following modifications:

#### Rules as Adopted

#### 9220.0905 DEFINITIONS.

Subp. 2. **Board Agency.** "~~Board Agency~~" means the Minnesota Waste Management Board Pollution Control Agency.

Subp. 3. **Chair Commissioner.** "~~Chair Commissioner~~" means the ~~chair commissioner~~ of the board agency, or staff designated by the ~~chair commissioner~~.

Subp. 5. **Waste tire processing facility.** "Waste tire processing facility" means an area where waste tires or tire-derived products are processed. A waste tire processing facility must meet the requirements of parts 9220.0200 to ~~9220.0670~~ 9220.0680.

#### 9220.0915 GRANT APPLICATION.

An applicant shall submit an application in the form specified by the ~~chair commissioner~~. An application must include the following information:

#### 9220.0925 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. **Determination of eligibility and completeness.** Upon receipt of an application, the ~~chair commissioner~~ shall determine the eligibility of the applicant, the eligibility of the costs identified in the application, and the completeness of the application.

Subp. 2. **Notice of determination of eligibility and completeness.** Within 14 days after receiving the application, the ~~chair commissioner~~ shall notify the applicant of the ~~chair's commissioner's~~ determinations of eligibility and completeness. If the ~~chair commissioner~~ determines that the applicant is ineligible, the ~~chair commissioner~~ shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the ~~chair commissioner~~ determines that any part of the costs for which funding is sought is ineligible or that the application is incomplete, the ~~chair commissioner~~ shall notify the applicant of the ineligible portion of the costs or of the deficiency in the application. The applicant has 14 days after receiving the notice to correct any inadequacies identified by the ~~chair commissioner~~. If the inadequacies are corrected within the time allowed, the application will be further considered.

Subp. 3. **Board Agency approval.** The board agency shall approve applications and award grants for waste tire collection sites. Applications will be considered by the board agency in the order they come before the board agency for decision. In the event that there is not sufficient money to fund fully all approved applications, the board agency shall give priority to applicants proposing collection sites that will best assist the board agency in establishing a statewide waste tire collection and transportation system.

**9220.0930 GRANT LIMITATIONS.**

Subp. 2. **Limitations on disbursal of funds.** No grant funds shall be disbursed for any collection site until the board agency has estimated the total capital costs of the site and determined that financing of the costs is assured.

**9220.0935 GRANT AGREEMENT.**

Subpart 1. **Requirements.** Funds awarded by the board agency must be disbursed in accordance with a written grant agreement. A grant agreement must:

A. incorporate by reference the final grant application submitted to the board agency in accordance with part 9220.0920, and require the grantee to complete development of the collection site in accordance with that application;

B. allow the grantee to enter into contracts to complete the work specified in the agreement subject to any board agency approval that may be required in the agreement;

D. provide that the board agency shall not agree to any amendment increasing the amount of funds awarded to the grantee.

Subp. 2. **Rescission of grant.** If the collection site is not completed and operational in accordance with the terms and conditions of the grant agreement, including the time schedules provided in the agreement, the grant must be rescinded, and the grantee shall repay the entire amount of the grant unless the board agency determines that a variance from the agreement is justified and that the original objectives of the grant will be accomplished.

Subp. 3. **Disbursement.** The board agency shall disburse grants in accordance with the payment schedule set out in the grant agreement.

## **State Board of Vocational Technical Education**

### **Adopted Permanent Rules Relating to Postsecondary Vocational Teaching Licenses: Emerging Occupations**

The rules proposed and published at *State Register*, Volume 13, Number 19, pages 1143-1149, November 7, 1988 (13 S.R. 1143) are adopted as proposed.

## **State Board of Vocational Technical Education**

### **Adopted Permanent Rules Relating to Education; Postsecondary Vocational Teacher Licenses**

The rules proposed and published at *State Register*, Volume 13, Number 17, pages 1048-1054, October 24, 1988 (13 S.R. 1048) are adopted in part as proposed.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# Official Notices

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Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Department of Health

### Commissioner's Request to Report Cases of *Escherichia coli* 0157:H7, Suspect Cases, Carriers, and Deaths pursuant to Minnesota Rules (Part 4605.7080).

The Commissioner of Health has determined, pursuant to *Minnesota Statute* §§ 144.05, 144.0742 and 144.12, and *Minnesota Rules* pt. 4605.7080 that cases, suspect cases, carriers, and deaths due to *Escherichia coli* 0157:H7 be considered a reportable disease in as much as the following circumstances exist.

A. Many questions about the epidemiology of infection with *E. coli* 0157:H7 are as yet unanswered; therefore, reporting will assist in further understanding of the disease. First, the incidence of the disease in Minnesota remains unknown. Official reporting of this condition would allow better determination of the prevalence of infection with this pathogen in Minnesota. Second, the organism can cause bloody and nonbloody diarrhea, hemolytic uremic syndrome (HUS) and possibly thrombotic thrombocytopenic purpura (TTP). The relative importance of *E. coli* 0157:H7 in causing serious illness such as HUS and TTP is currently unknown. If HUS, which is clearly associated with *E. coli* 0157:H7, is included as a reportable condition, then appropriate specimens can be collected and better data will be available to address this issue. Recognition of outbreaks and their subsequent investigation may also help to better define the role of *E. coli* 0157:H7 in causing TTP. Third, investigations to date have demonstrated that undercooked hamburger and raw milk may serve as vehicles for transmission. It is unknown whether other vehicles may also be important in transmitting the organism. Also, several recent outbreaks of *E. coli* 0157:H7 illness have been reported in day care centers; the relative importance of this pathogen in that setting remains unknown.

B. Persons infected with *E. coli* 0157:H7 may suffer from severe sequelae including HUS (a triad of illness leading to anemia, thrombocytopenia and renal failure) and possibly TTP (which includes features of HUS, and fever and neurologic symptoms). HUS is more common in children and, although many children with the illness require temporary dialysis, most children recover. TTP more frequently occurs in adults and is often fatal.

C. A case-oriented public-health response would be helpful for control, in as much as surveillance through reporting may allow identification of outbreaks, which in turn, can lead to epidemiologic investigation and potential implication of a vehicle of transmission. Through interviewing persons exposed to an implicated vehicle, a spectrum of clinical illness associated with infection can be better defined and appropriate control mechanisms can be implemented.

D. A specific mechanism of reporting will be developed. Physicians in the state will be notified through the Minnesota Department of Health *Disease Control Newsletter* that infection with *E. coli* 0157:H7 is reportable and that HUS is also reportable, because HUS likely represents a suspect case of *E. coli* 0157:H7 infection. In addition, the MDH Division of Public Health Laboratories is capable of providing laboratory support to identify the organism and this information will be widely publicized to physicians. Currently, the MDH is developing a protocol to examine the retrospective incidence of HUS in Minnesota. Results of this evaluation will enable the MDH to target surveillance to those hospitals most likely to see cases of HUS.

E. Reports of individual cases of the disease will allow recognition of outbreaks. Previous outbreaks have been reported in nursing homes, in a day care center, and in the community as a result of contaminated food items. Outbreaks in these settings require appropriate control measures which may be critical to preventing serious sequelae from infection.

For the reasons referenced above, the Commissioner of Health hereby requests reporting to the Department of Health all cases, suspect cases, and carriers and deaths due to *Escherichia coli* 0157:H7 beginning on April 1, 1989. Suspect cases will include HUS.

Dated: 30 January 1989

State of Minnesota  
Department of Health  
Sister Mary Madonna Ashton  
Commissioner of Health

## Department of Health

### **Commissioner's Request to Report Human Retroviral Disease Cases, Suspect Cases, Carriers, and Deaths Pursuant to *Minnesota Rules* Part 4605.7080**

The Commissioner of health has determined, pursuant to *Minnesota Statute* §§ 144.05, 144.0742, and *Minnesota Rules* pt. 4605.7080 that cases, suspect cases, carriers, and deaths due to human retrovirus infections (other than HIV and including, but not limited to, HTLV-I, HTLV-II, HIV-2 [LAV-2, HTLV-IV]) be considered reportable disease in as much as the following circumstances exist.

A. Many questions about the epidemiology of infection with retroviruses are as yet unanswered; therefore, reporting will assist in further understanding of the disease syndromes associated with infection. First the incidence of disease associated with these infections remains unknown. To date only one case of HTLV-I infection has been reported in Minnesota. No cases of infection with HTLV-II or HIV-2 have been reported. Second, the spectrum of clinical illness associated with retroviral infections is not clearly identified. Reporting would allow better understanding of this clinical spectrum. Third, risk factors associated with acquiring infection are not fully understood. Follow-up of case reports may provide additional information on risk factors, which could be useful for public health control.

B. Persons with retroviral infections can develop severe complications including adult T-cell leukemia, lymphoma, and AIDS-like illnesses. These conditions do not respond well to conventional therapy and often can be fatal.

C. A case-oriented public health response would be helpful for control because individual cases can be informed of ways to avoid transmitting infection to others. In addition, interview of cases may lead to recognition of potentially exposed contacts, and may even lead to recognition of clusters of cases.

D. A specific mechanism of reporting will be developed. Physicians in the state will be requested to report all case of retroviral infection (including all retroviruses other than HIV, which is already a reportable condition) through the Minnesota Department of Health *Disease Control Newsletter*.

E. Reports of individual case of disease will allow identification of modes of transmission, may lead to further definition of the clinical spectrum of infection through interviews and medical record reviews, and may lead to identification of cluster of cases.

For the reasons referenced above, the Commissioner of Health hereby requests reporting to the Department of Health all cases, suspect cases, carriers, and deaths due to human retroviruses (including, but not limited to, HTLV-I, HTLV-II, HIV-2 [LAV-2, HTLV-IV]) beginning on April 1, 1989.

Dated: 3 February 1989

State of Minnesota  
Department of Health  
Sister Mary Madonna Ashton  
Commissioner of Health

## Department of Health

### **Commissioner's Request to Report Cases of Kawasaki Disease, Suspect Cases and Deaths pursuant to *Minnesota Rules* (Part 4605.7080).**

The Commissioner of Health has determined, pursuant to *Minnesota Statute* §§ 144.05, 144.0742 and 144.12, and *Minnesota Rules* pt. 4605.7080 that cases, suspect cases and deaths due to Kawasaki disease be considered a reportable disease in as much as the following circumstances exist.

A. Many questions about the epidemiology of Kawasaki disease are as yet unanswered; therefore, reporting will assist in further understanding of the disease. First, the incidence of the disease in Minnesota remains unknown. Sporadic cases have been reported by some physicians due to the unusual nature of this disease. Between 1980 and 1986, physicians reported 44 cases of Kawasaki disease in Minnesota although reporting was not required. Second, the etiology of this disease remains unknown. Surveillance would allow identification of outbreaks. During outbreak investigations, appropriate specimens could be collected for microbiologic evaluation. Third, risk factors associated with developing the illness have not been found consistently in past studies. Outbreak investigations may provide additional information on risk factors, which could be useful for public health control.

B. Persons with Kawasaki disease are likely to suffer complications including coronary aneurysms, pyuria, arthritis, aseptic meningitis, myocarditis, pericarditis, pericardial effusion and hepatitis. Kawasaki disease is the leading cause of acquired cardiac disease in young children in the United States and Japan. The mortality rate is approximately one to two percent and results from congestive heart failure and myocarditis.

## Official Notices

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C. A case-oriented public-health response would be helpful for control, in as much as surveillance through reporting may allow identification of outbreaks, which in turn, can lead to epidemiologic investigation and potential implication of risk factors associated with disease. Case ascertainment and collection of appropriate biologic specimens may also aid in isolation of the etiologic agent.

D. A specific mechanism of reporting will be developed. Physicians in the state will be notified through the Minnesota Department of Health *Disease Control Newsletter* that cases of Kawasaki disease meeting the Centers for Disease Control case definition are reportable and that suspect cases are also reportable. Letters will also be sent to infection control practitioners, pediatricians and family practice physicians requesting that cases be reported to the MDH. The current CDC case definition includes the following: fever lasting five or more days without another explanation and at least four of the following criteria: 1) bilateral conjunctival injection; 2) at least one of the following mucous-membrane changes: injected or fissured lips, injected pharynx, or "strawberry" tongue; 3) at least one of the following extremity changes: erythema of palms or soles, edema of the hands or feet, or generalized or periungual desquamation; 4) rash; and 5) cervical lymphadenopathy (at least one lymph node 1.5 cm or greater in diameter).

E. Reports of individual cases of the disease will allow recognition of outbreaks. Outbreak investigations will help provide information on risk factors associated with illness and isolation of the etiologic agent which will be essential in developing specific diagnostic tests, more appropriate therapeutic modalities, and appropriate methods for prevention and public health control.

For the reasons referenced above, the Commissioner of Health hereby requests reporting to the Department of Health all cases, suspect cases, carriers (once an etiologic agent is identified), and deaths due to Kawasaki disease beginning on April 1, 1989.

Dated: 3 February 1989

State of Minnesota  
Department of Health  
Sister Mary Madonna Ashton  
Commissioner of Health

## Higher Education Facilities Authority

### Notice of Public Hearing on Proposal to Issue Revenue Bonds

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of the College of St. Scholastica, Inc., a Minnesota nonprofit corporation, as owner and operator of the College of St. Scholastica, a Minnesota institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on March 22, 1989 at 2 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an aggregate principal amount of up to approximately \$5,250,000, to provide financing for a Project generally described as the acquisition and construction of three forty-six bed student residence buildings; the acquisition and renovation of space in Tower Hall for office, classroom and study lounge use; the acquisition and construction of seven garage stalls to house grounds vehicles, repair shops and a carpenter shop; the acquisition and installation of a new telephone system; and the acquisition and installation of computer hardware and software; all to be located on the Campus of the College and operated by the College, whose street address is College of St. Scholastica, Inc., 1200 Kenwood Avenue, Duluth, Minnesota 55811. At said time and place the Authority shall give all parties who appear an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 13 March 1989

BY ORDER OF THE MINNESOTA HIGHER  
EDUCATION FACILITIES AUTHORITY

Joseph E. LaBelle  
Executive Director

## Minnesota Historical Society

### State Review Board Regular Meeting

A meeting of the State Review Board to consider nominations to the National Register of Historic Places will be held on March 30, 1989 in the Auditorium of the Fort Snelling History Center, Fort Snelling, Minnesota. The Preservation Office staff will make an informational presentation on program activities at 5:30 p.m. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:00 p.m. For further information contact the State Historic Preservation Office, Minnesota Historical Society, Ft. Snelling History Center, St. Paul, MN 55111, 612/726-1171.

## Minnesota Historical Society

### Official Notice of Grants Review Committee Meeting

The Minnesota Historical Society's Grants Review Committee will meet on Wednesday, March 22, 1989 at 3:30 p.m. and on Thursday, March 23, 1989 at 7:00 p.m. in the Fort Snelling History Center, St. Paul, MN, to recommend funding for state Grants-in-Aid applications and federal Historic Preservation Fund Certified Local Government applications. For more information contact Timothy Glines at (612) 726-1171.

## Department of Human Services

### Notice of Intent to Solicit Outside Opinion and Comment on the Job Opportunities and Basic Skills (JOBS) Plan

The Department of Human Services is preparing a state JOBS plan for submittal to the Department of Health and Human Services. The proposed effective date of the plan is July 1, 1989. The plan is intended to meet federal requirements for funds provided under Titles II and III of the Family Support Act of 1988 (*Public Law 100-485*) and parts A, C and F of Title IV, as amended, of the Social Security Act (*Public Law 74-271*).

JOBS is a new Aid to Families with Dependent Children (AFDC) education, training and employment program created by the Family Support Act of 1988. The purpose of the state JOBS plan is to describe how Minnesota intends to implement JOBS, including a description of services to be provided, priority groups to be served, and how the development of JOBS was coordinated with other programs and agencies.

The Department of Human Services is soliciting public comments on the draft plan. The draft plan will be available for public review and comment on or after March 15, 1989. The comment period will end May 1, 1989. A copy of the plan can be obtained by submitting a written request to:

Department of Human Services  
Assistance Payments Division  
JOBS Plan  
Attn: PDS Section  
444 Lafayette Road  
St. Paul, Minnesota 55155-3834

## Metropolitan Council

### Notice of Public Meetings of the Metropolitan Council's Metropolitan Agencies Appointments Committee

The Metropolitan Council's Metropolitan Agencies Appointments Committee will be conducting four public meetings in April to hear statements from candidates and on behalf of candidates for four vacancies on each of three metropolitan agencies: the Metropolitan Waste Control Commission, the Regional Transit Board and the Metropolitan Parks and Open Space Commission. The vacancies for each of these three metropolitan agencies are in Districts E, F, G and H. The public is invited to attend and participate in making recommendations on these appointments. Following the meetings, the committee will submit its recommendations to the Council and the Council will appoint the agency members. More information on the appointments process and the meetings may be obtained from Sandi Lindstrom of the Council staff at 291-6390. All of the meetings will begin at 7 p.m., dates and locations are as follows:

District F	April 6	Edina City Hall 4801 W. 50th St. Edina, MN	District E	April 12	Blaine City Hall 9150 Central Av. NE. Blaine, MN
District G	April 11	Chaska City Hall 1 City Hall Plaza Chaska, MN	District H	April 18	Metropolitan Council Chambers Mears Park Centre 230 E. Fifth St. St. Paul, MN

## **Office of the Secretary of State**

### **Notice of Vacancies in Multi-Member State Agencies**

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is April 4, 1989.

#### **MEDICAL SERVICES REVIEW BOARD**

**Dept. of Labor and Industry, Office of Public Affairs**  
**443 Lafayette Rd., St. Paul 55101. 612-296-8946**

*Minnesota Statutes* 176.103

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

VACANCY: 1 member—medical doctor with familiarity and/or experience with workers' compensation cases and issues.

The board advises on medical matters relating to workers compensation and hears appeals under chapter 14. Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer member, and one public member plus eight alternates. The commissioner or his designee serves as an ex-officio member. Members must file with the Ethical Practices Board.

#### **OMBUDSMAN COMMITTEE FOR MENTAL HEALTH AND MENTAL RETARDATION**

**Suite 202, Metro Square Buidling, St. Paul 55101. 612-296-0941**

*Minnesota Statutes* 245.97

APPOINTING AUTHORITY: Governor. COMPENSATION: Reimbursed for expenses.

VACANCY: 1 member—physician who is willing to consult and review the deaths of clients who are mentally ill, mentally retarded, chemically dependent, or emotionally disturbed.

The committee advises and assists the ombudsman for mental health and mental retardation. Fifteen members will be appointed on the basis of their knowledge and interest in the health and human services system subject to the ombudsman's authority. Meetings four times per year.

#### **SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL**

**112 Administration Bldg., St. Paul 55155. 612-297-4412**

*Minnesota Statutes* 16B.20

APPOINTING AUTHORITY: Commissioner of Administration. COMPENSATION: None.

VACANCY: 1 member

The council advises on the small business procurement program, reviews complaints from vendors, and reviews compliance reports. Thirteen members.

## **Department of Transportation**

### **Petition of the City of North Mankato for a Variance from State Aid Administrative Requirements for Determination of MAINTENANCE MONIES**

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from requirements for establishing the City of North Mankato's 1989 Maintenance Allocation.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.1400 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the City of North Mankato to increase their 1989 maintenance allocation by \$52,292. The monies to be transferred from the City of North Mankato's construction account to the City of North Mankato's maintenance account.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 1 March 1989

Leonard W. Levine  
Commissioner

## Department of Transportation

### Petition of the City of Savage for a Variance from State Aid Administrative Requirements for Determination of MAINTENANCE MONIES

NOTICE IS HEREBY GIVEN that the City Council of the City of Savage has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from requirements for establishing the City of Savage's 1989 Maintenance Allocation.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.1400 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the City of Savage to increase their 1989 maintenance allocation by \$55,100 for the purpose of paying interest due on G.O. State Aid Road Bonds, Series 1987 (in the original principal amount of \$875,000). The monies to be transferred from their State Aid construction account to their State Aid maintenance account.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 6 March 1989

Leonard W. Levine  
Commissioner

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## State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

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## Department of Administration: Materials Management Division

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

**Commodity:** 6 passenger cab truck with utility body

**Contact:** Brenda Thielen (612) 296-9075

**Bid due date at 2pm:** March 15

**Agency:** Transportation Department

**Deliver to:** St. Paul

**Requisition #:** 79382 91590

**Commodity:** Plumbing supplies

**Contact:** Dale Meyer 612-296-3773

**Bid due date at 2pm:** March 15

**Agency:** Various

**Deliver to:** Various

**Requisition #:** Price Contract

**Commodity:** Computers and supplies

**Contact:** Joan Breisler 612-296-9071

**Bid due date at 2pm:** March 15

**Agency:** State University

**Deliver to:** St. Cloud

**Requisition #:** 26073 20875 1

**Commodity:** Uniform clothing

**Contact:** Linda Parkos 612-296-3725

**Bid due date at 2pm:** March 16

**Agency:** Agriculture Department

**Deliver to:** St. Paul

**Requisition #:** 04111 92839

**Commodity:** Lease/purchase of Xerox 1090

**Contact:** Theresa Ryan 612-296-3756

**Bid due date at 2pm:** March 16

**Agency:** Commerce Department

**Deliver to:** St. Paul

**Requisition #:** 13 525 01877

**Commodity:** Bar code labels

**Contact:** Bernadette Vogel 612-296-2546

**Bid due date at 2pm:** March 16

**Agency:** State University Libraries and Minnesota Legal Reference Library

**Deliver to:** Various

**Requisition #:** Price Contract

## State Contracts and Advertised Bids

**Commodity:** Microwave equipment  
(special ad)  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** March 16  
**Agency:** Transportation Department  
**Deliver to:** Golden Valley  
**Requisition #:** 79000 94114

**Commodity:** Automated weather station  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** March 17  
**Agency:** Transportation Department  
**Deliver to:** St. Cloud  
**Requisition #:** 79050 23701

**Commodity:** Truck, tandem axle diesel  
powered  
**Contact:** Brenda Thielen 612-296-0975  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** Brainerd  
**Requisition #:** 29000 51692

**Commodity:** Natural resources  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** Grand Rapids  
**Requisition #:** 29000 51698

**Commodity:** Truck, 360 CID min 2  
speed rear axle  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 29000 51680-81 etc

**Commodity:** Truck tandem axle—diesel  
**Contact:** Brenda Thielen 612-296-0975  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 29000 51699

**Commodity:** Truck 2½ ton w/dump  
body  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 29000 51697

**Commodity:** Truck 2½ ton w/dump  
body  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** Bemidji  
**Requisition #:** 29000 51695

**Commodity:** Truck—tandem axle diesel  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** Rochester  
**Requisition #:** 2900 51694

**Commodity:** Truck tandem axle diesel  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** Bemidji  
**Requisition #:** 29000 51693

**Commodity:** 55744 jeans and coveralls  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** Grand Rapids  
**Requisition #:** 29007 10165

**Commodity:** Meat and meat products  
for April 1989  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** March 17  
**Agency:** Correctional Facilities  
**Deliver to:** Various  
**Requisition #:** 78630 08412

**Commodity:** Paradyne modem  
equipment  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** March 17  
**Agency:** Jobs & Training Department  
**Deliver to:** Various  
**Requisition #:** 21200 20299

**Commodity:** Traffic parts  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** March 17  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000 94165

**Commodity:** Enerpac air hydraulic  
system  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 17  
**Agency:** Transportation Department  
**Deliver to:** Bemidji  
**Requisition #:** 79000 94121

**Commodity:** Miscellaneous uniform  
accessories  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** March 17  
**Agency:** Natural Resources Department  
**Deliver to:** Grand Rapids  
**Requisition #:** 29007 10170

**Commodity:** Snap-on digital  
oscilloscope  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 17  
**Agency:** Administrative Department:  
Central Motor Pool  
**Deliver to:** St. Paul  
**Requisition #:** 02514 90367

**Commodity:** Trane air conditioning,  
water cooled condensers  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 20  
**Agency:** Plant Management  
**Deliver to:** St. Paul  
**Requisition #:** 02307 91402

**Commodity:** Diesel crawler tractor,  
wide track with hinged dozer  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 20  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 29000 51705

**Commodity:** Aerial photography  
**Contact:** Doug Thompson 612-296-  
3775  
**Bid due date at 2pm:** March 20  
**Agency:** Natural Resources Department  
**Deliver to:** Grand Rapids  
**Requisition #:** 29002 17376

**Commodity:** Aerial photography  
**Contact:** Doug Thompson 612-296-  
3775  
**Bid due date at 2pm:** March 20  
**Agency:** Natural Resources Department  
**Deliver to:** Grand Rapids  
**Requisition #:** 29002 17409

**Commodity:** License plate materials  
**Contact:** Jim Johnson 612-296-3779  
**Bid due date at 2pm:** March 20  
**Agency:** Correction Facilities  
**Deliver to:** St. Cloud  
**Requisition #:** Price Contract

**Commodity:** Planks  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** March 20  
**Agency:** Natural Resources Dept.  
**Deliver to:** Grand Rapids  
**Requisition #:** 29007-10171

**Commodity:** Uniform Clothing  
(Special ad)  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** March 20  
**Agency:** Natural Resources Dept.  
**Deliver to:** Grand Rapids  
**Requisition #:** 29007-10167

## Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

**Commodity:** Bicycle renewal envelope, 65M 7<sup>1</sup>/<sub>16</sub>" x 3<sup>3</sup>/<sub>4</sub>", 1-sided, camera ready  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 14  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 5359

**Commodity:** Statement 30998, 10M 2-part sets, 7<sup>3</sup>/<sub>8</sub>" x 8<sup>1</sup>/<sub>2</sub>" detached, camera ready, 1-sided, carbonless  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 14  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 5454

**Commodity:** Ready mix concrete batch tickets, 1,500 pads of 2-part tickets with preprinted numbering, 4<sup>1</sup>/<sub>4</sub>" x 7<sup>1</sup>/<sub>2</sub>" finished size, negs furnished, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 14  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 5477

**Commodity:** Field audit assignment, 10M 1-part continuous marginal feed, camera ready, 1-sided, 10<sup>5</sup>/<sub>8</sub>" x 11" overall  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 14  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 5506

**Commodity:** Rules/laws binders, 100 3-ring binders, vinyl, 1", 7" x 10"  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 14  
**Agency:** Mediation Services Bureau  
**Deliver to:** St. Paul  
**Requisition #:** 5494

**Commodity:** Job service folders, 50M 18<sup>1</sup>/<sub>2</sub>" x 15<sup>3</sup>/<sub>8</sub>" including flap, negs furnished, 2-sided, 2 folds  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 14  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 5505

**Commodity:** Capital budget, 800 copies about 70 pages, camera ready 8<sup>1</sup>/<sub>2</sub>" x 11", cover type to set, saddle stitch, 48 hour turnaround; detail book 200 sets, 2 vols. 8<sup>1</sup>/<sub>2</sub>" x 11" wire spiral bound, cover and tabs, type to set, 10 day turnaround  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 14  
**Agency:** Finance Department  
**Deliver to:** St. Paul  
**Requisition #:** 5384

**Commodity:** Gonococcus screening exam, 50M 3-part sets, negs furnished, 2-sided, 7" x 4" sheet size  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 16  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 5420

**Commodity:** Reporting of laboratory, 3,000 4-part sets, 5<sup>5</sup>/<sub>8</sub>" x 6<sup>3</sup>/<sub>4</sub>" finished size, type to set, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 16  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 5422

**Commodity:** Blank deposit slip, 2,500 5-part snap-out sets, 6" x 14" detached, negs furnished, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 16  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 5397

**Commodity:** Composition for 1989 state telephone directory, approximately 250 pages, 8<sup>1</sup>/<sub>2</sub>" x 11", 2-column format, tapes available  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 16  
**Agency:** Communications Center, Administration Department  
**Deliver to:** St. Paul  
**Requisition #:** 5158

### NOTE TO READERS:

All contract awards regularly published in the *STATE REGISTER* Monday edition will appear in the future in the midweek *STATE REGISTER CONTRACTS SUPPLEMENT*. A new awards section, "Awards of Professional, Technical, and Consulting Contracts," will appear monthly in the midweek edition of the *STATE REGISTER CONTRACTS SUPPLEMENT*, beginning Wednesday 15 March. All current subscribers will receive a copy of the *S.R. CONTRACTS SUPPLEMENT* free for a few weeks. Subscription information will appear in that publication. Call (612) 296-4273 for more information. To subscribe, call (612) 296-0931.

## Minnesota State Arts Board

### Notice of Availability of Contract for Photographer

The Minnesota State Arts Board is seeking a photographer to produce color photographic slides and 4" x 5" black and white negatives of three design proposals submitted by artists for the planned East Capitol Plaza of the Minnesota Judicial Building. Three sets of slides and one set of negatives are needed.

**Project Tasks:** Design proposals include drawings mounted on 36" x 40" boards, and model templates that drop into a 1/16" scale model of the building and adjacent environs. Approximately thirteen drawings and three models must be photographed.

**Contract Requirements:** The photographer must have a studio space with backdrops and appropriate lighting equipment. The program associate in charge of the Percent for Art in Public Places program will supervise photographic session.

**Contract must be completed by April 10, 1989. Contract amount will not exceed \$1,000.**

#### Contact:

Regina M. Flanagan  
Percent for Art in Public Places Program  
Minnesota State Arts Board  
432 Summit Avenue  
Saint Paul, MN 55102  
(612) 297-2603

## Minnesota Correctional Facility-Red Wing

### Notice of Availability of Contract for Medical Clinic Services, Psychological Evaluation Services, and Physician Services

#### Contract for Medical Clinic Services

The program at the Minnesota Correctional Facility-Red Wing requires the services of a medical clinic from 7/1/89 to 6/30/90. This clinic will provide all clinic services as ordered by the medical staff at MCF-Red Wing. Annual cost is limited to \$5,000.00.

#### Contract for Psychological Evaluation Services

The program at the Minnesota Correctional Facility-Red Wing requires the services of a licensed psychologist from 7/1/89 to 6/30/90. This person will provide the written psychological evaluation—through testing, interviews, etc., on up to a twice weekly basis for all new admissions to the institution, to re-test selected youths based upon specific staff referral, plus limited staff training in the area of his/her expertise. Payment is \$273.68 per 8-hour day. Annual cost is limited to \$26,000.00.

#### Contract for Physician Services

The program at the Minnesota Correctional Facility-Red Wing requires the services of a licensed physician from 7/1/89 to 6/30/90. This person will provide medical services to the clients at MCF-Red Wing. This person will provide 6 hours per week. Annual cost is limited to \$22,000.00.

## **Minnesota Correctional Facility-Red Wing**

### **Notice of Availability of Contract for Volunteer Services Coordinator**

The program at the Minnesota Correctional Facility-Red Wing requires the services of a volunteer coordinator. Position requires up to 50 hours per week. Responsibilities include the providing of professional volunteer services for juvenile clients at the institution through the recruiting and training of volunteers, plus the development of a coordinated scheduling of the volunteers, plus the development of a coordinated scheduling of the volunteers to augment the on-going programs. Payment is \$2,202.00 per month. Annual cost is limited to \$26,424.00.

## **Minnesota Correctional Facility-Red Wing**

### **Notice of Availability of Contract for Catholic Chaplain**

The program at the Minnesota Correctional Facility-Red Wing requires the services of an ordained Catholic priest from 7/1/89 to 6/30/90. This person will provide weekly Mass and spiritual guidance and counseling for the Catholic students at MCF-Red Wing as requested. This person will provide up to 20 hours per week for 50 weeks at \$11.00 per hour. Annual cost is limited to \$11,000.00.

For further information on these contracts, contact:

Kenneth Williams, Assistant Superintendent  
Minnesota Correctional Facility-Red Wing  
1079 Highway 292  
Red Wing, Minnesota 55066  
Telephone: (612) 388-7154

Final submission date for these contracts is: May 1, 1989.

## **Minnesota Correctional Facility-Red Wing**

### **Notice of Availability of Contract for Dietetic Services**

The program at the Minnesota Correctional Facility-Red Wing requires the services of a licensed dietitian from 7/1/89 to 6/30/90. This person will provide professional dietetic consultation, enabling dietetic staff to provide hygienic dietetic services that meet the daily nutritional needs of residents, ensures that special dietary needs are met and, provides palatable, attractive and acceptable meals. The consultant will provide a minimum of 20 hours per month of professional services. Annual cost is limited to \$4,600.00.

For further information on this contract, contact:

Richard Ottoson, Business Manager  
Minnesota Correctional Facility-Red Wing  
1079 Highway 292  
Red Wing, Minnesota 55066  
Telephone: (612) 388-7154

Final submission date for this contract is May 1, 1989.

## **Minnesota Correctional Facility-Red Wing**

### **Notice of Availability of Contract for Certified Driver Education Instructor Services**

The program at the Minnesota Correctional Facility requires the services of a certified driver education instructor from 7/1/89 to 6/30/90. This position requires up to 60 hours per month of instruction. Responsibilities include classroom and behind-the-wheel instruction, testing and record keeping. The instructor shall provide a safety certified driver education car. The instructor would also be required to provide special instruction to students on a special need basis. Hours of instruction will be coordinated with general school schedules. Payment is \$10.50/hour. Annual cost would be limited to \$7,600.00.

For further information on this contract, contact:

John Odden, Director of Education  
Minnesota Correctional Facility-Red Wing

## State Contracts and Advertised Bids

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1079 Highway 292  
Red Wing, Minnesota 55066  
Telephone: (612) 388-7154

Final submission date for this contract is May 1, 1989.

### Department of Health

#### Request for Proposals to Laboratories Interested in Providing Human Immunodeficiency Virus (HIV) Antibody Testing

**Purpose:**

The Minnesota Department of Health (MDH) has funds available for a twelve-month period (July 1, 1989 to June 30, 1990) for HIV antibody testing done at MDH-supported counseling and testing (CT) sites and prenatal, family planning and sexually transmitted disease (STD) clinics. Approximately 8,000 HIV antibody tests were done through these sites in 1987. In addition, the laboratory contractor(s) will be expected to perform HIV antibody testing for approximately 35,000 dried blood filter paper blot specimens as part of the Centers for Disease Control (CDC) Family of Surveys.

**Duration:**

The CDC CT and Family of Surveys grant period is established for twelve months, July 1, 1989-June 30, 1990. If additional funds are available, contracts may be renewed. The work may be awarded to one or more contractors. The state reserves the right to reject all proposals submitted.

**Eligibility Criteria:**

1. Any public or private laboratory that can demonstrate administrative organizational, programmatic and fiscal capability to deliver proposed service.
2. In addition, demonstrated experience in laboratory testing for HIV antibodies including standards and methods in place to assure analytic accuracy is desirable.

**Procedures for Submitting Proposals:**

The complete request for proposal packet is available upon request. After completion, please submit the original and fifteen (15) copies by 4:30 p.m., Friday, April 14, 1989 to:

Mary Sheehan  
AIDS/STD Prevention Services Section  
Minnesota Department of Health  
717 Delaware Street Southeast (Room 225)  
P.O. Box 9441  
Minneapolis, Minnesota 55440  
(612) 623-5698

### Minnesota Historical Society

#### Request for Proposal for Development of the Sherburne County Courthouse, Elk River, Minnesota—A Property Listed on the National Register of Historic Places

The State Historic Preservation Office at the Minnesota Historical Society is seeking information leading to proposals from qualified individuals and/or organizations for the purchase and development of the Sherburne County Courthouse, a property listed on the National Register of Historic Places, located in the community of Elk River, Minnesota. The property is currently owned by Sherburne County which has agreed to the solicitation of this request for information by the Minnesota Historical Society. The Minnesota Historical Society has no title or legal authority with respect to this property other than the solicitation and referral of qualified proposals to the County for disposition.

Recently vacated by county government, the historic courthouse is situated within the central business district. The property includes an adjacent modern two story brick office structure constructed by the county to provide for additional services and administrative offices not accommodated in the courthouse. The County Commissioners have expressed a preference for proposals which address both the historic courthouse and the adjacent office/administration building. However, responders may address one or more of the following options: (1) courthouse and office/administration building; (2) courthouse only; or (3) office/administration building only.

Parking is provided on-site (54 cars) and on a remote lot (optional) across the street from the courthouse (approx. 30 cars).

Proposals for development must comply with the SECRETARY OF THE INTERIOR'S "STANDARDS FOR REHABILITATION."

The Sherburne County Courthouse, a two story Italianate structure dating from 1877, is of wood frame construction; the upper section of the entrance tower was removed and the exterior stuccoed in 1939. Several additions have been made to the building during its lifetime to provide additional vault and office space. The developer has a number of options, ranging from total restoration to adaptive use which would incorporate the existing additions. Including basement, the story building contains approximately 10,000 gross square feet. The inclusion of the courthouse on the National Register allows certified rehabilitation work to be eligible for tax credits under the provisions of the Tax Reform Act of 1986.

In January of 1988, the Sherburne County Courthouse was the subject of a "reuse study" undertaken by a team of professionals in historic preservation, architecture, community development, and marketing. Funding for the reuse study was provided in part with federal funds from the National Park Service, U.S. Department of the Interior, through the Minnesota Historical Society under the provisions of the National Historic Preservation Act as amended. Interested individuals and/or organizations may obtain a copy of the aforementioned study from the Minnesota Historical Society. Contact: Charles W. Nelson, Historical Architect, Fort Snelling History Center, Saint Paul, Minnesota 55111, tel: (612) 726-1171.

### **SUBMISSION OF PROPOSALS**

All proposals must be sent to:

Charles W. Nelson  
Historical Architect  
State Historic Preservation Office  
Minnesota Historical Society  
Fort Snelling History Center  
Saint Paul, Minnesota 55111

All proposals must be received no later than the close of the business day (5:00PM), Friday, April 14, 1989. Late proposals will not be accepted.

Submit two copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name, address, and the name of the project for which the proposal is being submitted clearly written on the outside. The proposal must be signed, in ink, by the respondent or assigned agent. A project budget/pro forma must accompany the proposal.

This request is directed to qualified individuals and/or organizations who have demonstrated experience or a willingness to undertake development projects concerning historic buildings in accordance with the SECRETARY OF THE INTERIOR'S "STANDARDS FOR REHABILITATION" (a listing of projects and examples of work (if applicable) should be provided with the proposal submission). Responder's experience and qualifications, quality of proposal, and project cost data will be considered in the referral of individuals and/or organizations to the County for action relative to the award of purchase and development rights to this property.

Inquiries relative to this request for information should be directed to Charles W. Nelson, Historical Architect, Minnesota Historical Society (612) 726-1171.

## **Human Services Department**

### **Deaf Services Division Equipment Distribution Program**

#### **Request for Proposals for Design of a Logo/symbol and Brochure**

The Minnesota Department of Human Services Deaf Services Division is requesting proposals for the design of a logo/symbol and brochure for its Equipment Distribution Program. The request for proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it considered to be in its best interest. The designer chosen will be placed on contract with the State of Minnesota, Department of Human Services, to design a logo/symbol, a program brochure, business card, and report cover.

#### **Specific design tasks include:**

The design and camera ready art and printing specifications for:

1. Program logo/symbol
2. Pocket brochure and inserts
3. Business card
4. 8½" x 11" report cover

## State Contracts and Advertised Bids

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Proposals must include an explanation of your working process (concept development, method of research and presentation procedures), estimated timeline, and projected costs with price breakdowns. Proposals must also include at least one but no more than six samples of previous logo/symbol design and brochure development.

The designers with the most attractive proposals and samples may be invited to present their formal portfolios to a panel of Department employees.

Further information can be obtained from Bill Lamson at (612) 297-3639, Minnesota Department of Human Services, Deaf Services Division, 1st Floor Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3814.

Proposals must be submitted to and received by Bill Lamson, Department of Human Services, Deaf Services Division, 1st Floor Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3814.

The deadline for submitting proposals is 4 p.m., April 3, 1989. Late proposals will not be accepted. Submit 5 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with responders name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

Project must be completed within 45 days of the date of contract execution.

Estimated cost of the project: \$2,000 to \$6,000.

## Minnesota Pollution Control Agency

### Division of Air Quality

### Request for Proposals for Analytical Services of Acid Precipitation Samples

The Minnesota Pollution Control Agency is seeking proposals from qualified firms to analyze precipitation samples for the biennium starting July 1, 1989. The Agency operates an acid precipitation monitoring network throughout the state and gathers approximately 290 wet samples annually. The samples are analyzed for a host of parameters. Data obtained from the analysis of the samples have been used in the past to develop an acid deposition standard. Data from current sample analyses are being used to determine compliance with the acid deposition standard, to facilitate ongoing research, and to assess long term trends of acid precipitation in Minnesota.

The proposal should address the contractor's laboratory capabilities, proposed analytical methods, quality assurance and quality control, instrument maintenance and calibration, data reduction and reporting, sample handling, analyses turn-around, and costs. Information on any laboratory certifications the contractor possesses should be reported in the proposal.

The proposal must also demonstrate the respondent meets the requirements of *Minnesota Statute* § 363.073 (1988), either by including with the proposal an affirmative action certificate of compliance or evidence the respondent has not had more than 20 full-time employees in the state at any time during the previous 12 months. Respondents may receive assistance in obtaining a certificate of compliance by contacting the Contract Compliance Unit, Minnesota Department of Human Rights at (612) 296-5663 (500 Bremer Tower, 7th Place and Minnesota Street, St. Paul, MN 55101).

Interested parties may obtain a detailed Request for Proposal by calling or writing to:

Cliff Twaroski  
Minnesota Pollution Control Agency  
Division of Air Quality  
520 Lafayette Road  
St. Paul, MN 55155  
(612) 296-7800

Proposals are due in Mr. Twaroski's office no later than 4:30 p.m. thirty (30) days following the date of publication of this Request in the *STATE REGISTER*.

The actual cost of the analyses performed by the contractor will depend upon the extent of funding from the Legislature, the number of valid wet samples collected (a function of precipitation), the extent of the Quality Assurance Program, and the contractor's costs per sample analyzed. The Agency anticipates the maximum cost of this contract to be \$78,000 spread over the two (2) year biennium. The Agency may extend this contact beyond the 1990/91 biennium by negotiating up to two (2) one (1) year extensions to the contract at a reasonable time (60 days) prior to the expiration of the contract for the 1990/91 biennium.

Gerald L. Willet  
Commissioner

## **Minnesota Pollution Control Agency**

### **Division of Air Quality**

#### **Request for Proposals for Analytical Services of Filter Samples**

The Minnesota Pollution Control Agency is seeking proposals from qualified firms to analyze filter samples for the biennium starting July 1, 1989. The Agency operates an acid deposition monitoring network throughout the state and gathers approximately 150 filter samples annually. The samples are analyzed for a host of parameters by Photon Induced X-ray Emission (PIXE). Data obtained from the analysis of the filter samples will be used to determine dry deposition rates for the various parameters, to facilitate ongoing research, and to assess long term trends of acid deposition in Minnesota.

The proposal should address the contractor's laboratory capabilities, proposed analytical methods, quality assurance and quality control, instrument maintenance and calibration, data reduction and reporting, sample handling, analyses turn-around, and costs. Information on any laboratory certifications the contractor possesses should be reported in the proposal.

Interested parties may obtain a detailed Request for Proposals by calling or writing to:

Cliff Twaroski  
Minnesota Pollution Control Agency  
Division of Air Quality  
520 Lafayette Road  
St. Paul, MN 55155  
(612) 296-7800

Proposals are due in Mr. Twaroski's office no later than 4:30 p.m. thirty (30) days following the date of publication of this Request in the *STATE REGISTER*.

The actual cost of the analyses performed by the contractor will depend upon the extent of funding from the Legislature, the number of valid filter samples collected, the extent of the Quality Assurance Program, and the contractor's costs per sample analyzed. The Agency anticipates the maximum cost of this contract to be \$20,000 spread over the two (2) year biennium. The Agency may extend this contract beyond the 1990/91 biennium by negotiating up to two (2) one (1) year extensions to the contract at a reasonable time (60 days) prior to the expiration of the contract for the 1990/91 biennium.

Gerald L. Willet  
Commissioner

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## **Non-State Public Contracts**

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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## **Metropolitan Waste Control Commission**

### **Request for Letters of Interest & Qualifications From Engineering Consultants**

The Metropolitan Waste Control Commission is soliciting letters of interest and statements of qualifications from consulting engineering firms interested in and qualified to perform a residual solids management planning study for a 250 MGD secondary wastewater treatment facility.

Minimum consultant qualifications include Minnesota registration in the appropriate professional disciplines, and a demonstrable knowledge of a wide variety of sludge processing systems including but not limited to thickening, de-watering, high temperature-high pressure processing, heat drying, incineration and related process instrumentation and controls. In addition, the consultant must

## Non-State Public Contracts

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be familiar with process and management planning for all types of wastewater treatment plant residuals including grit, screenings, scum, primary sludge, secondary sludge, thickened sludge, sludge cake and ash. The consultant's experience must include the planning and design of residual processing facilities and systems for large wastewater treatment facilities.

The letters of interest and statements of qualifications should be submitted to the attention of Mr. Harry Cleveland Grounds, Special Projects Planning Manager, at the above address by no later than April 3, 1989. Following receipt of this information the Commission may select one or more consultants to submit a formal proposal. Questions concerning this advertisement should be directed to Mr. Grounds at (612) 229-2111.

Dated: 24 February 1989

Lurline Baker-Kent, Chair  
Metropolitan Waste Control Commission

## State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Agriculture

### Marketing Division

### Applications Accepted for Minnesota Grown Agricultural Market Development Grant Program

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture is accepting applications for agricultural market development grants to promote use of the Minnesota Grown logo as provided for in *Minnesota Statutes*, section 17.101, subd. 2; and section 17.102; and *Minnesota Rules*, chapter 1552.

Organizations wishing to apply for a grant should request a copy of the rules governing the program and other related application material. The rules describe eligibility criteria, application content and application procedures. Separate proposals must be submitted for each grant being sought. Other information may be obtained by contacting:

Kevin Edberg  
Minnesota Department of Agriculture  
Marketing Division  
90 West Plato Blvd.  
St. Paul, MN 55107  
612/296-6382

Applicants are to submit their proposal(s) to Mr. Edberg at the above address. Applications will be accepted until funds for fiscal year 1990 are expended. The total of all grants to the same grantee may not exceed \$70,000 for the biennium ending June 30, 1991. The grant amount may not exceed \$70,000. It is anticipated due to the availability of Minnesota Grown funds that projects approved will be less than \$10,000 per project.

## Minnesota Department of Jobs and Training

### Notice of Availability of Funds for the Emergency Shelter Grants Program

The Minnesota Department of Jobs and Training announces the availability of Emergency Shelter Grants Program (ESGP) funds. The purpose of this grant is to assist programs that provide shelter or transitional housing to homeless individuals. Eligible activities are:

- 1) Renovation or rehabilitation or conversion of buildings to be used as shelters or transitional housing for the homeless;
- 2) Payment for the operating costs of shelter or transitional housing programs including rent, maintenance, insurance, utilities, or furnishings, but excluding staff;

3) Payment for essential services provisions to individuals in shelter or transitional housing programs including (but not limited to) services concerned with employment, physical health, mental health, substance abuse, education, or food, including the staff salary necessary to provide these services. Essential services also include homeless prevention activities, such as (but not limited to), rent assistance, security deposits, mediation services for landlord/tenant disputes, or programs to provide legal representation to tenants in eviction proceedings.

No more than 20% of the State's aggregate funding may be used for essential service expenses. Applicants may propose an alternative budget to use more than 20% of their grant request for essential services. The Department of Jobs and Training will try to balance the effect of the alternative budget with other applicants budgets who propose to use less than 20%.

#### **FUNDING CATEGORIES**

A total of \$374,000 is available to be awarded in three categories as follows:

- Category I—\$239,000 will be set aside for those areas of the state which provided more than 1% of the total shelter/transitional housing beds in the past year as determined by the Department's Shelter Survey. Areas qualifying for a set-aside are listed on the succeeding page:

<u>AREA</u>	<u>AMOUNT</u>
Anoka	\$ 16,480
Crookston	17,290
Dakota County	9,240
Hennepin County	118,280
Mankato	10,540
Moorhead	16,800
Rochester	18,840
St. Cloud	17,610
St. Paul	13,920

- Category II—\$75,000 will be awarded through a statewide competition to new programs or the cities or counties applying on behalf of new programs which serve the homeless which began operation after March 1, 1988, or areas which do not qualify under Category I as having served more than 1% of the State's that shelter/transitional housing population in the past year.

- Category III—\$60,000 will be awarded to applicants from those areas of the state which must rely on the use of motels or other commercial facilities because of a demonstrated shortage of shelter space. Program regulations require that applicants under this category demonstrate that the rate charged by the motel or commercial facility will be substantially less than the daily room rate otherwise charged by the facility and that the use of these motels or other commercial facilities is the most cost effective means of providing emergency shelter for the homeless in the particular jurisdiction.

#### **ELIGIBLE APPLICANTS**

Eligible applicants include units of general local government and private non-profit organizations. A private non-profit organization may apply for direct assistance if the local government for the jurisdiction in which the project is located certifies that it approves the project. The State, however, encourages local units of government to apply on behalf of non-profit agencies. The types of programs that may be funded include overnight shelters, transitional housing programs, battered women's shelters, runaway/throwaway youth shelters, programs which provide motel or commercial facility vouchers, or programs which provide homeless prevention funding. Availability of other funding sources will be taken into account in prioritizing proposals.

A final rule governing the Emergency Shelter Grants Program 24CFR Parts 50, 58, 575 and 576 was published in the Wednesday, August 10, 1988 *Federal Register* Volume 53, Number 154. Changes to this final rule were published Monday, January 9, 1989 in the *Federal Register* Volume 54, Number 5. Applicants should refer to both notices for further information.

Application packages can be obtained by calling Barbara Krech in the Economic Opportunity Office at (612) 296-4658. Applicants will be required to designate the particular activities (i.e. rehabilitation, operations or essential services) for the purpose to use the funding. They will also need to designate which category or categories they are applying under. A proposal must also include an indication of how matching funds will be provided. Local units of government applying on behalf of non-profit agencies must supply the above information on all the programs they are applying on behalf of.

All applications must be received by the Economic Opportunity Office no later than 5:00 p.m., April 14, 1988. Further information can be obtained by calling Patrick Leary in the EOO Office at (612) 297-3409 or Mark Kaszynski (612) 297-2590.

Grant awards will be made on or before April 28, 1989. The grant period will run from May 1, 1989 to April 30, 1990.

**Notice—State Grants continued on page 2242**

# Supreme Court Decisions

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## Decisions Filed 10 March 1989

**C7-87-2514 C2-88-3** In the Matter of the Contested Cases of St. Otto's Home, Little Falls, Minnesota, and St. Francis Home, Breckenridge, Minnesota, petitioners, Relators v. (C7-87-2514) Minnesota Department of Human Services and In the Matter of the Contested Case of Luther Haven Nursing Home, Montevideo, Minnesota, petitioner, Relator v. (C2-88-3) Minnesota Department of Human Services. Court of Appeals.

Department of Human Services' interpretation of *Minnesota Rules* 9549.0020, subp. 26 (Supp. 1986), as amended in 1985, was unreasonable in light of its past interpretation of similar language in the pre-1985 version of the rule.

Department of Human Services' interpretation of *Minnesota Rules* 9549.0020, subp. 26 (Supp. 1986) was improper because its definition of the terms within the rule constituted unpromulgated rulemaking.

Any error by the administrative law judge in considering a study not included in the record was harmless error.

Reversed. Yetka, J.

Took no part, Simonett, J.

**C2-88-597** State of Minnesota v. Rodney Allen Warndahl, Appellant. Kandiyohi County.

The trial court erred by failing to suppress defendant's statement made when police initiated questioning after his request for counsel, but before counsel was provided. A subsequent statement also made before counsel was provided was properly admitted because defendant had initiated contact with police. This subsequent statement, along with other evidence, was sufficient to render the trial court's error in admitting the first statement harmless beyond a reasonable doubt.

The evidence was sufficient to support the trial court's finding that defendant was not legally insane at the time of the offense.

Affirmed. Yetka, J.

Took no part, Keith, J.

**C2-87-2128** David H. Stiff v. Associated Sewing Supply Company, et al., petitioners, Appellants. Court of Appeals.

Findings of the trial court that the employee had aided and conspired with another to embezzle the employer's funds, had skimmed moneys from the employer's cash receipts, and had aided in the substantial dismantling of the employer's business records system are sustained by the record.

Because the employer's business records had been substantially dismantled with the employee's active participation, the employee failed to sustain his burden of proving earned and due commissions.

*Minnesota Statutes* § 181.79 (1978), does not supersede the common law doctrine of forfeiture absent the establishment of earned but unpaid commissions by an employee who has stolen from his employer.

Reversed and remanded to the trial court for reinstatement of the judgment. Kelley, J.

**C0-88-601** Ruby F. Beyer v. Pioneer Metal Finishing and Liberty Mutual Insurance Co., Relators and Minnesota Dept. of Human Services, Minnesota Dept. of Jobs and Training. Workers' Compensation Court of Appeals.

An award to an employee of temporary partial compensation at the temporary total compensation rate beyond 90 days after maximum medical improvement is reversed.

Reversed in part; affirmed in part as modified. Kelley, J.

**C4-86-1715** In re Petition for Disciplinary Action against Chester C. Graham, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinite suspension with no possibility of reinstatement for 18 months is appropriate where an attorney violates the terms of his disciplinary probation by repeatedly neglecting client matters, ignoring court orders, retaining unauthorized fees, and failing to cooperate with the Office of Lawyers Professional Responsibility.

Suspended. Per Curiam.

## ORDERS

**C5-89-149** In Re Petition for Disciplinary Action against Loren N. Barta, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Kelley, J.

Took no part, Yetka and Simonett, JJ.

# Tax Court

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Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

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## Tax Court—Regular Division

**Docket No. 4885—Dated: 15 February 1989**

**David R. and Linda Hohlen, Appellants, vs. Commissioner of Revenue, Appellee.**

The above-entitled matter came on for hearing before the Honorable Arthur C. Roemer, Judge of the Minnesota Tax Court, on November 3, 1988, at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota.

James E. Ostgard, Attorney at Law, appeared for the appellants.

Thomas K. Overton, Special Assistant Attorney General, appeared for the appellee.

The sole issue is whether the appellants were in possession of 511 grams of marijuana at the time of its seizure by the police.

Post-trial briefs were filed by both parties and the matter was submitted to the Court for decision on December 15, 1988.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

### FINDINGS OF FACT

1. The appellants, David and Linda Hohlen, are husband and wife.
2. The appellants occupied a home at 12100 92nd Avenue North, Maple Grove, Minnesota, along with their 11 year old daughter, for one and one-half years prior to December, 1986.
3. Linda Hohlen's brother, Mike Scott, moved into their home on October 15, 1986, utilizing a downstairs bedroom.
4. Shortly after noon on December 30, 1986, a package addressed to Mike Scott was delivered to 12100 92nd Avenue North, Maple Grove, by police officers posing as United Parcel Service delivery personnel.
5. David Hohlen signed for the package (signed his name) and placed it on the bed in the downstairs bedroom occupied by Mike Scott.
6. Less than one hour later police officers executing a search warrant searched the property and arrested David Hohlen.
7. The officers found the following controlled substance and paraphernalia: (a) 912 grams of marijuana in the unopened package addressed to Mike Scott which was delivered one hour earlier and found on his bed in the downstairs bedroom; (b) 350 grams of marijuana in a downstairs closet used by Mike Scott; (c) 99 grams of marijuana on top of a desk in the downstairs family room used by David Hohlen; (d) 459 grams of marijuana on the floor of the downstairs bedroom of Mike Scott; (e) 118 grams of marijuana on a closet shelf in the downstairs closet utilized by Mike Scott; (f) marijuana paraphernalia found on the floor of the downstairs bedroom and closet utilized by Mike Scott; (g) 83 grams of marijuana found in a zip lock plastic bag behind the desk in the downstairs family room; (h) 100 grams of marijuana found in a small white plastic garbage bag in a desk drawer in the downstairs family room; (i) 229 grams of marijuana found in a large white plastic garbage bag in the safe next to the desk in the downstairs family room (the safe door was ajar); and (j) miscellaneous marijuana and cocaine paraphernalia with traces of white powder, inositol powder, empty bags and baggies with traces of marijuana—found throughout the house, including the upstairs bedroom of David and Linda Hohlen. The total amount of marijuana seized was 2,350 grams (83.92 ounces or 5.245 pounds).
8. Miscellaneous drug paraphernalia along with a Marlboro box with 2 rolled marijuana cigarettes were found in the upstairs master bedroom used by the Hohlens.
9. David Hohlen testified that he and Linda had on occasion used marijuana furnished by Mike Scott but never owned, sold or possessed marijuana.
10. A cardboard box containing coffee grounds and baggies addressed to Mike Scott was discovered by Linda Hohlen in the downstairs storage closet after the police search, which had apparently been overlooked by the police.
11. An assessment of \$2,033.50 was made against David and Linda Hohlen on May 14, 1987 based upon 581 grams of marijuana found in the family room which, with 100% penalty, amounted to \$4,067.00
12. A search of David Hohlen at the time of his arrest did not disclose any drugs or drug paraphernalia; but a search of Mike Scott upon his arrest at his place of employment (2:20 p.m.) found cocaine and marijuana paraphernalia.
13. Mike Scott, at the time of his arrest, told arresting officers that all of the narcotics found at the residence were his and none belonged to David or Linda Hohlen.

## Tax Court

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14. The marijuana at issue was not in the possession of David and Linda Hohlen.
15. The attached Memorandum is hereby made a part of these Findings of Fact.

### CONCLUSIONS OF LAW

1. The Commissioner's Order dated May 11, 1987 is hereby reversed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,  
Arthur C. Roemer, Judge  
Minnesota Tax Court

## Tax Court—Regular Division

**DOCKET NO. 5163—Dated: 22 February 1989**

**Perry A. Dunfee, Jr. and Betty A. Dunfee, Appellants, vs. Commissioner of Revenue, Appellee.**

The above-entitled matter came on for hearing before the Honorable Arthur C. Roemer, Judge of the Minnesota Tax Court, on January 26, 1989, at the Hennepin County Government Center in Minneapolis, Minnesota.

Perry and Betty Dunfee, the appellants, appeared pro se.

Jerilyn K. Aune, Special Assistant Attorney General, appeared on behalf of the appellee.

The sole issue for consideration was whether a \$2,000 contribution to an IRA made by Betty Dunfee is deductible for state income tax purposes.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

### FINDINGS OF FACT

1. Appellant Betty Dunfee was employed by Northridge Care Center during the calendar year 1984.
2. During calendar year 1984 Northridge Care Center maintained a profit sharing plan that all employees were entitled to participate in.
3. Appellant Betty Dunfee, sometime prior to 1984 and during the entire calendar year 1984, voluntarily participated in the profit sharing plan of Northridge Care Center.
4. During the calendar year 1984, appellant Betty Dunfee did not have any vested rights under the profit sharing plan.
5. During calendar year 1984 \$222.97 was paid into the profit sharing plan on behalf of appellant Betty Dunfee, this being her share of the benefits computed under the profit sharing formula.
6. Appellant Betty Dunfee purchased a \$2,000 IRA during 1984 and claimed a deduction therefor on her 1984 Minnesota income tax return.
7. The Commissioner, in an order dated May 15, 1987, disallowed the \$2,000 IRA deduction and assessed additional income tax for calendar year 1984.
8. The attached Memorandum is hereby made a part of these Findings of Fact.

### CONCLUSIONS OF LAW

1. Appellant Betty Dunfee was covered by a plan conducted by her employer which constituted a pension plan under the law.
2. The Commissioner's Order dated May 15, 1987 is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,  
Arthur C. Roemer, Judge  
Minnesota Tax Court

# Announcements

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**Sentencing Guidelines Commission:** A meeting is scheduled for 6:30 p.m. Thursday 16 March 1989 at the Holiday Inn—Capitol, Sibley Rooms A&B, 161 St. Anthony, St. Paul. The meeting will cover a legislative update and other business.

**Environmental Quality Board (EQB):** Environmental Assessment Worksheet (EAW) comments are due March 22 on the following projects at their listed regional governing unit: Bejou Wildlife Management Area—Pothole Development, Minn. Dept. of Natural Resources; and The Yacht Club, City of Spring Park. A scoping period on the Runway 4-22 Extension Minneapolis-St. Paul International Airport will end March 22. An open house/informational meeting and public scoping meeting will be held on March 14 at the Richfield Community Center, 7000 Nicollet Avenue South. Open house at 5 p.m., meeting at 7:30 p.m. EAW comments due April 5 and their regional governing units are: Cromwell Wastewater Stabilization Ponds, Minn. Pollution Control Agency; OTC Paint Services Facility, City of Owatonna; OTC Division Hydraulics Facility, City of Owatonna; Proposed Field Test of the InCide Genetically Engineered Microbial Pesticide, Minn. Dept. of Agriculture; Brainerd Redi-Mix Pit Expansion, Crow Wing County; Cedar Hills Addition, City of Ramsey; Windemere Woods, City of Ramsey; and Chestnut Hill, City of Ramsey. Petitions have been received on the following projects: Ames Construction, Scott County (612) 445-7750; BHP Utah Mineral International Exploration-Winton, Minn. DNR (612) 296-8212; Sand Point Yacht Club, Duluth City Planning Commission; and the Midway Condor Heliport, City of St. Paul (612) 228-3204.

**Minnesota Prairies:** A new book that provides an introduction to diverse prairie types in Minnesota is now available from Minnesota's Bookstore. *A Guide to Minnesota Prairie*, produced by the Minnesota Dept. of Natural Resources features photos and maps indicating township and range for a number of prairie preserves open to the public around the state. The guide can be purchased from the Bookstore at 117 University Ave., St. Paul, MN 55155 or by mail or phone with MasterCard or VISA. Cost is \$5.00 plus 30¢ tax and \$1.50 for postage/handling for mail/phone orders. Call (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.

**Great Lakes Directory:** The Great Lakes Commission is preparing a *Great Lakes Speakers Bureau Directory* with a release date set for mid-March. It will be distributed to teachers throughout the region, with plans for periodic updates. To learn more about the directory, contact Michael Donahue, Great Lakes Commission, The Argus Bldg., 400 S. 4th St., Ann Arbor, MI 48103, (303) 665-9135. You can also obtain *Superior Pursuit: Facts About the Greatest Great Lake* by Howard Bell from the Sea Grant Program, University of Minnesota-Duluth, 208 Washburn Hall, 10 University Drive, Duluth, MN 55812. Ask for Note #19.

**Land Stewardship Video:** The Land Stewardship Project has released *Excellence in Agriculture*, a slide/video featuring interviews with four stewardship farm families. The show explores the value systems that underlie an individual farmer's transition to a more sustainable farming system. To rent the program call (612) 433-2770.

**Arts Grants Workshops:** Three grants information workshops for the seven-county metro area community will be held by the Metropolitan Council/Regional Arts Council. The workshops are for organizations interested in presenting art activities to the general public. The workshops are free and will be held Tuesday, Mar. 28, 6-8 p.m. at Burnsville Public Library, 1101 W. County Rd. 42 in Burnsville; Wednesday, Mar. 29, 6:30-8:30 p.m. at Ridgedale Public Library, Ridgedale Dr. at Plymouth Rd. in Minnetonka; and Thursday, Mar. 30, 3:30-5:30 p.m. at the council's offices at Mears Park Center, 230 E. Fifth St., St. Paul.

**Housing and Redevelopment Committee:** The Metropolitan Council is seeking a volunteer to serve on its Metropolitan Housing and Redevelopment Authority (HRA) Advisory Committee. The nine-member committee advises the Council in planning and administering its HRA programs, which include a rental assistance program for 94 suburban communities and several housing rehabilitation loan programs. Applicants must reside in northern Minneapolis, Brooklyn Park, Brooklyn Center, Crystal, New Hope or Osseo. The application deadline is March 31. The appointment will be made April 13. The committee meets once monthly, with occasional special meetings. Members are reimbursed for travel and parking. For more information and an application form, call Julie Bina of the HRA staff at 291-6311.

**"Not All Art is Hung in a Museum":** The Twin Cities Metropolitan Area offers a diversity of arts activities year-round. To promote awareness of these activities, the Metropolitan Council/Regional Arts Council is reprising its public awareness campaign for the arts, "Not All Art is Hung in a Museum." The campaign will run from March through June. During this period, posters of a puppeteer, jazz musician, and Croation dancer will be displayed in bus shelters throughout the Metropolitan Area. Businesses, shopping malls, art centers, schools and colleges, government buildings and corporate offices will also display these posters. Posters will be available for individuals to display at their homes or offices for a nominal fee of \$3. Art Town, the Council's pocket-sized guide to arts in the Twin Cities Area, is also available free of charge. The posters and arts guide can be obtained by writing the Council's Data Center, 230 E. Fifth St., St. Paul, MN 55101.

## State Grants

Notice—continued from page 2237

### Supreme Court—Legal Services Advisory Committee

#### Request for Proposals for Grant Funding for Legal Services and Alternative Dispute Resolution Programs for Low Income People

The Legal Services Advisory Committee is requesting proposals for grant funding for legal services and alternative dispute resolution programs for low income people.

To request information on the grant application process, please contact:

J. L. Rehak  
230 State Capitol  
St. Paul, MN 55155  
Phone: (612) 296-6822

Application deadline: April 14, 1989

Dated: 15 February 1989



### Morel: Minnesota's mushroom

**ROON: A Tribute to Morel Mushrooms**, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, \$12.00.

**Edible Mushrooms**, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

**Malfred Ferndock's Morel Cookbook**, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

**Northland Wildflowers**, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$12.95.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. \$4.00.



Jane Smith  
NOTARY PUBLIC-MINNESOTA  
RAMSEY COUNTY

My Commission Expires January 1, 1994

### U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business	Code No. 16-50. \$3.00.
Small Business Finance	Code No. 16-42. \$2.00.
Starting and Managing a Small Business of Your Own	Code No. 16-40. \$4.75.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## Catching criminals is only one part of law enforcement.

**Police Report Writing Style Manual 1986**—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$12.50.

**Background Investigation Manual 1986**—A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. \$10.00.

**Motor Vehicle Traffic Laws 1988**—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$14.00.

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## Human Services Laws and Rules

### Human Services Laws 1988

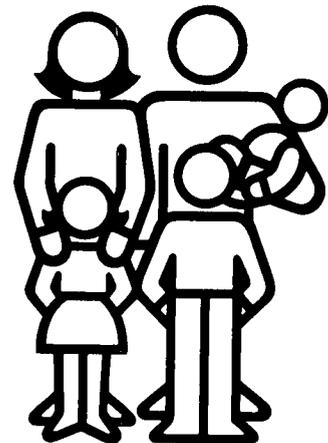
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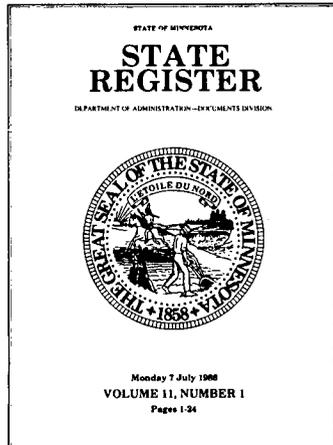
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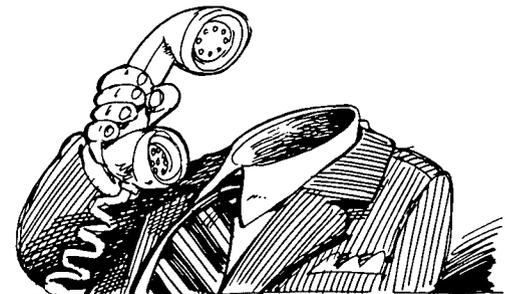
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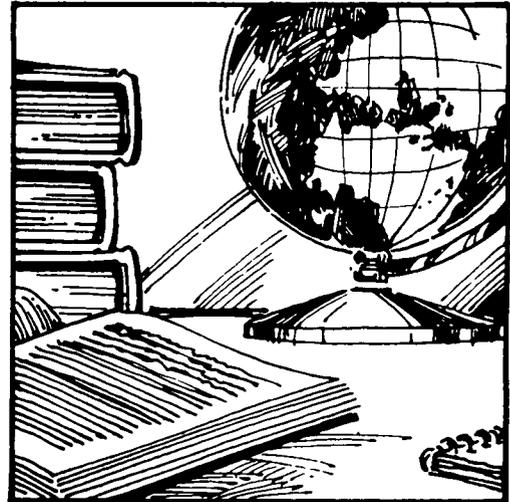
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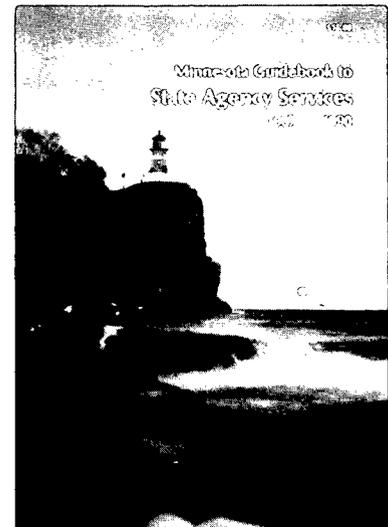
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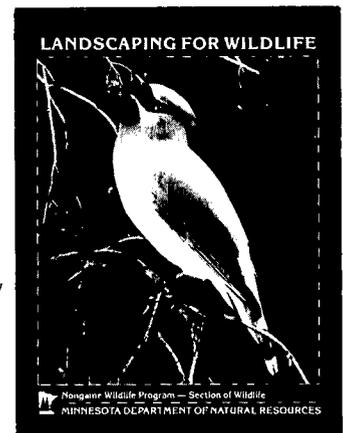
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### Health Care Facilities Directory 1988

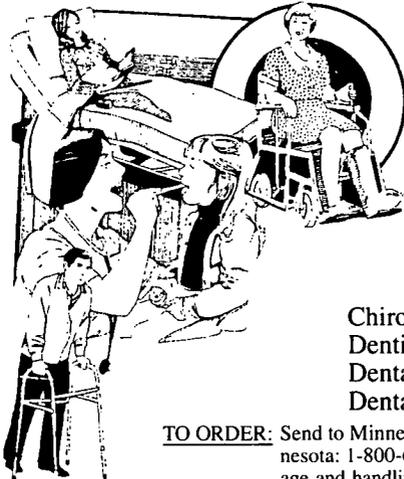
A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock No. 1-89. \$16.00.

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*Landscaping for Wildlife.* Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$6.95 plus tax. See "Special Set Offer" below.

*Woodworking for Wildlife.* Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important tips on placement of nests in proper habitat areas. 47 pages with diagrams. Stock #9-14, \$3.95 plus tax. See "Special Set Offer" below.

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